STATUTES OF CALIFORNIA

1953

REGULAR SESSION

Began on Monday, January 5, 1953, and Adjourned
Wednesday, June 10, 1953

STATUTES OF CALIFORNIA

PASSED AT THE 1953 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

An act to amend Section 155.6 of 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 January 16, 1953. Filed with Secretary of State January 17, 1953.]

In effect immediately

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

SECTION 1. Section 155.6 of the Revenue and Taxation Code is amended to read:

Earthquake damaged property Assessment

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 November 1, 1952, may, on or before February 15, 1953, 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 March 1, 1953, 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 reassessed, 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 April 1, 1953, 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 2

An act to amend Section 1 of Chapter 15 of the Second Extraordinary Session of 1952, relating to the revision of budgets of cities, counties, and districts after the occurrence of an earthquake, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 16, 1953. Filed with Secretary of State January 17, 1953.]

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:

Earthquake damaged property · Local budget revisions

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 an earthquake occurs after July 1, 1952 and prior to November 1, 1952, 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.

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:

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 3

An act to amend Section 43005 of the Government Code, relating to taxes levied by cities, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 16, 1953. Filed with Secretary of State January 17, 1953.] In effect immediately

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

SECTION 1. Section 43005 of the Government Code is amended to read:

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 November 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 March 1, 1953, 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 April 1, 1953, 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. Earthquake damaged property. Taxation by cities

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

within the meaning of Article IV of the Constitution and shall go into immediate effect. 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 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 4

An act making an appropriation for the repair and restoration of property damaged by storms, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 20, 1953. Filed with Secretary of State January 21, 1953.]

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

Appropriation Redondo Beach sea wall restoration, etc

SECTION 1. There is hereby appropriated to the State Allocation Board from the General Fund, fifty thousand dollars ($50,000), or so much thereof as may be necessary, to be allocated to the City of Redondo Beach for the repair and restoration of the sea wall adjacent to that city and to clean up the debris resulting from damage to that sea wall on or about January 12, 1953.

There shall be deducted from each payment made to Redondo Beach pursuant to Section 37 of the Alcoholic Beverage Control Act an amount of not less than one-twentieth of the payment, as may be mutually determined by the State Allocation Board and the governing body of Redondo Beach, until there has been deducted from such payments an amount equal to the sum which the State, through the State Allocation Board, has expended pursuant to this act plus an amount of interest specified by the board. The money so deducted shall be deposited in the General Fund.

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 sea wall adjacent to Redondo Beach was recently damaged and torn in two places by heavy seas during a violent storm. Much property and many facilities for the furnishing of governmental services necessary to the public health and safety of the people of the State were damaged and destroyed. Other property and facilities are subject to the present threat of damage from further heavy seas.

In order that funds be made available for the immediate repair and restoration of the sea wall to remove a present threat to the public health and safety, it is necessary that this act take effect immediately.

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.

[Approved by Governor January 23, 1953. Filed with Secretary of State January 24, 1953.] In effect immediately

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

SECTION 1. Section 5083.3 is added to the Education Code, to read:

Elementary school districts joining union districts Apportionments

5083.3. Notwithstanding any provision of law to the contrary, whenever a conditional apportionment has been made to an elementary school district pursuant to Section 5048.1 prior to August 1, 1951, and the school district has subsequently voted to become a part of a union school district before the school district has voted to accept and repay an amount sufficient to include both said entire apportionment made pursuant to Section 5048.1, and all other apportionments made to said school district by the board prior to August 1, 1951, the elementary school district is continued in existence until September 1, 1953, for the purpose of (1) receiving any apportionment made to said district subsequent to August 1, 1951, under Section 5048.7, as if said elementary district had not voted to unionize with another school district, and (2) for the purpose of voting upon the acceptance and repayment of the apportionment mentioned in (1) or any other apportionment made to said district by the board subsequent to August 1, 1951.

If any elementary school district so described above shall vote, prior to September 1, 1953, to accept and repay any apportionment above mentioned (except of any apportionment made under Section 5048.7), said apportionment shall thereupon become final. Repayment of any apportionment referred to in this section shall be made by said elementary district pursuant to the applicable provisions of this chapter as if no change in boundaries had been made in said district.

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 order that the construction of schools as provided in Chapter 1.6, Division 3 of the Education Code may be conducted without delay or restriction to meet the due 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 making an appropriation to the Department of Public Works, relating to the repair of the stream bank of Putah Creek and the protection of local sewage disposal plant and the expenditure of money appropriated therefor, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 23, 1953. Filed with Secretary of State January 24, 1953.]

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

Appropriation Putah Creek stream banks

SECTION 1. Out of the moneys appropriated by Item 428 of the Budget Act of 1952, which item appropriated moneys for carrying out the purposes of Chapter 13 of the Statutes of 1951, which chapter appropriated moneys from the Postwar Unemployment and Construction Fund to the Emergency Fund specified in Item 277 of the Budget Act of 1950 for the repairing of local works and improvements which have been damaged or destroyed by storms and flood conditions, no more than the sum of fifty thousand dollars ($50,000) is hereby appropriated to the Department of Public Works for the purpose of repairing and reconstructing the stream bank of Putah Creek and for the protection of the sewage disposal plant of the City of Winters.

SEC. 2. To the extent that the State Allocation Board finds funds apportioned to the City of Winters and the County of Yolo in the Postwar Unemployment and Construction Fund which have not been committed, the appropriation made by this act shall be payable from the Postwar Unemployment and Construction Fund, notwithstanding any provision in the Construction and Employment Act limiting the expenditures therefrom. To the extent that the appropriation is paid from the Postwar Unemployment and Construction Fund, such payment shall constitute payment from the Postwar Unemployment and Construction Fund on behalf of the City of Winters and County of Yolo, respectively, for the purposes of the Construction and Employment Act.

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:

Recent occurrences of storms and floods have injured the stream banks of Putah Creek, which injury threatens extensive damage and destruction to the sewage disposal plant of the City of Winters. There are not enough funds presently available to repair the damage, and because of the nearness of another flood season even greater danger is imminent. This act appropriates the necessary funds to repair and restore the stream banks of Putah Creek and, therefore, to preserve the nearby public structures and improvements which are now in grave peril. The destruction of the sewage disposal plant would create a public

health problem. Inasmuch as the danger of disaster from storms and floods is now and, until the end of the current runoff season, will be present, it is necessary in the interest of the public health and safety that this act take effect immediately.

CHAPTER 7

An act to amend Section 7431.1 of the Education Code, relating to the computation of bonded indebtedness of school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 23, 1953. Filed with Secretary of State January 24, 1953.] In effect immediately

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

SECTION 1. Section 7431.1 of the Education Code is amended to read:

7431.1. In computing the limitation of indebtedness of any school district of any kind or class heretofore or hereafter formed or organized, hereinafter in this section referred to as the "bonding school district," the outstanding indebtedness of any previously existing district all or any part of which forms a component part of such bonding school district and the outstanding indebtedness of any school district for which any territory which has become a part of such bonding school district is liable shall be excluded and shall not be deemed, for the purposes of computing the limitation of indebtedness under Section 4714 or 7431, to constitute outstanding indebtedness of such bonding school district, except to the extent that such outstanding indebtedness has been expressly assumed by such bonding school district by vote of not less than two-thirds of the electors of such bonding school district voting at an election at which the proposition of assuming such indebtedness is voted upon. Nothing herein contained shall operate to release any property from liability for taxes to pay the principal and interest of indebtedness incurred by any component district or for which any territory which has become a part of such bonding school district is liable and in which such taxable property is located at the time of the incurring of such indebtedness. It is the intent of the Legislature to provide in this section a special method of computing the limitation of indebtedness of school districts irrespective of liability of the area embraced within such school districts for the payment of any bonded indebtedness. School districts Computation of bonded indebtedness

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: Urgency

There is an ambiguity in the existing law as to the method of computing bonded indebtedness of certain school districts particularly in the case of a newly formed unified district that will

prevent the sale of bonds to the full bonding capacity of the district. Due to overcrowded classrooms it is necessary that all bond funds possible be made available for new school construction. In order to make such bond funds available as soon as possible it is necessary that this act take effect immediately.

CHAPTER 8

An act making an appropriation for the support of the Porterville State Home, to take effect immediately.

In effect immediately

[Approved by Governor January 23, 1953 Filed with Secretary of State January 24, 1953.]

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

Appropriation Porterville State Home

SECTION 1. The sum of five hundred forty-two thousand eight hundred two dollars ($542,802) is hereby appropriated from the General Fund in the State Treasury for support of the Porterville State Home, to be expended during the 1952-53 Fiscal Year.

From the amount herein appropriated, upon the request of the Director of Finance, the State Controller shall transfer to the Emergency Fund, Item 289 in the Budget Act of 1952, any amounts heretofore made available from such Emergency Fund for support of said home.

Current expenses

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

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CHAPTER 9

An act to amend Sections 154 and 7000 of the Welfare and Institutions Code, relating to the Fairview State Hospital, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 23, 1953 Filed with Secretary of State January 24, 1953.]

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

SECTION 1. Section 154 of the Welfare and Institutions Code is amended to read:

Department of Mental Hygiene Jurisdiction

154. The department has jurisdiction over the following institutions:

Agnews State Hospital
Atascadero State Hospital
Camarillo State Hospital
DeWitt State Hospital
Fairview State Hospital

Mendocino State Hospital
Modesto State Hospital
Napa State Hospital
Norwalk State Hospital
Pacific Colony
Patton State Hospital
Porterville State Home
Sonoma State Home
Stockton State Hospital
The Langley Porter Clinic

SEC. 2. Section 7000 of said code is amended to read:

7000. There are established in the State the following homes for the mentally deficient:

Homes for mentally deficient

1. Sonoma State Home, in Sonoma County.
2. Pacific Colony, in Los Angeles County.
3. Porterville State Home, in Tulare County.
4. Fairview State Hospital, in Orange County.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the term "home for the feeble-minded" is used, it shall be construed to refer to and mean "home for the mentally deficient."

SEC. 3. The sum of eleven million five hundred seventy-six thousand five hundred fifty dollars ($11,576,550) or so much thereof as may be necessary, is hereby appropriated out of the Capital Outlay and Savings Fund for construction, improvements and equipment, Fairview State Hospital, a site for which has been acquired in Orange County, to be expended subject to the provisions of the Budget Act of 1952.

Appropriation Fairview State Hospital

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:

Urgency

In order to achieve a real mental hygiene program there must be adequate facilities to treat the mentally deficient. Our mental institutions, at present, are 19½ percent overcrowded, obsolete, and with a waiting list well in excess of 3,000. Many have been on that list for years. Heretofore, the Legislature has authorized the purchase of a site and the preparation of plans for a new mental hospital in Orange County. The site has been purchased and the preliminary plans prepared.

The appropriation made by this act will authorize the immediate construction of this hospital and thereby to some extent relieve the critical deficiencies in the care and treatment of the mentally deficient.

CHAPTER 10

An act to add Section 5050.3 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 27, 1953. Filed with Secretary of State January 28, 1953.]

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

SECTION 1. Section 5050.3 is added to the Education Code, to read:

School districts. Validation of certain apportionments

5050.3. Whenever a conditional apportionment has been made, and the county auditor has inadvertently and erroneously included in his certification of the outstanding bonded indebtedness of the school district the bonded indebtedness of another school district having the same, or substantially the same, boundaries, which bonded indebtedness is less than two percent (2%) of the total amount of the total bonded indebtedness certified, and thereafter an election upon the issuance of new bonds in the amount required by the board has been had and the vote thereon has been in favor of the issuance of the bonds, and the board has certified to the State Controller that the apportionment to the school 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.

Any bonds erroneously certified, however, shall not be taken into consideration in making the computation required by Section 5050.

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 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 due need of the children of this State for adequate and safe classrooms, it is essential that this act take effect immediately.

CHAPTER 11

An act making an appropriation for the construction of fireboats and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 27, 1953. Filed with Secretary of State January 28, 1953.]

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

Appropriation Fireboats

SECTION 1. The sum of six hundred thousand dollars ($600,000) is hereby appropriated from the San Francisco

Harbor Improvement Fund to the Board of State Harbor Commissioners for San Francisco Harbor, to be expended for the construction (including necessary naval architectural services and inspection costs) of two fireboats for use of said commissioners in San Francisco Harbor.

SEC. 2. 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: Urgency

The City and County of San Francisco will not afford fireboat protection to facilities under control of the Board of State Harbor Commissioners for San Francisco Harbor after the expiration of the present contract for such protection. Said contract expires at the end of the 1952-53 Fiscal Year. It is necessary that this act take effect immediately in order that steps may be taken to provide adequate fire protection for such facilities by the time said contract expires.

CHAPTER 12

An act making an appropriation in connection with litigation concerning the Colorado River, to take effect immediately.

[Approved by Governor January 27, 1953. Filed with Secretary of State January 28, 1953.] In effect immediately

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

SECTION 1. There is appropriated out of the General Fund one hundred thousand dollars ($100,000) to the Department of Finance for use in connection with litigation concerning the rights of California agencies and water users to the waters of the Colorado River, fifty thousand dollars ($50,000), to be allocated to the Attorney General and fifty thousand dollars ($50,000), to be allocated to the Colorado River Board. Appropriation Colorado River litigation

The money appropriated under this act shall be available without regard to fiscal year.

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

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CHAPTER 13

An act to repeal Section 7000.3 of, and to add Section 7000.3 to, the Education Code, relating to the support of the Public School System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1953. Filed with Secretary of State January 28, 1953.] In effect immediately

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

SECTION 1. Section 7000.3 of the Education Code is hereby repealed.

SEC. 2. Section 7000.3 is added to said code, to read:

Local educational agencies "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 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), except subsections (e) and (g) of said Section 3, and exclusive of increases in local contribution rates made because of unusual geographic factors, and that the district is entitled to for a fiscal year under subsection (c) of Section 5 of said act, or under any similar provisions of any other act of Congress. The Legislature finds that money received or for which an application has been made under subsection 3(e) of an 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) during the 1951-52 Fiscal Year has not been included in any computation made under this chapter for the Fiscal Year 1952-53, and hereby declares that it is not the intention of the Legislature that money received pursuant to subsection 3(e) of said act shall be included in any such computation made during the 1953-54 Fiscal Year, or any fiscal year thereafter.

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:

At the First Extraordinary Session of 1952, provisions were added to the Education Code to equalize the amounts of state funds apportioned to school districts which receive money from the United States Government to compensate the district for the burden of educating extra pupils in the district because of military and other federal installations situated in the district and districts which do not receive federal money but educate the same number of pupils in relation to the assessed valuation of the district.

In order for these new provisions to work equitably on such federally aided districts, and to prevent unjust and drastic reduction in the amount of state money apportioned to the districts before the end of the 1952-1953 Fiscal Year accompanied by a possible jeopardizing of the basis for receiving a part of the federal money, it is necessary that this act go into immediate effect.

CHAPTER 14

An act to amend Section 11716 of, and to add Sections 11716.1 and 11716.2 to, the Insurance Code, relating to workmen's compensation insurance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1953. Filed with Secretary of State January 28, 1953.] In effect immediately

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

SECTION 1. Section 11716 of the Insurance Code is amended to read:

Workmen's compensation insurers Security deposit

11716. Such deposit shall be security for the payment of the insurer's obligations on workmen's compensation insurance transacted in this State. If the insurer maintaining such deposit suspends payment or becomes insolvent or enters receivership, the commissioner and the Industrial Accident Commission shall proceed as set forth in Sections 11716.1 and 11716.2. Such deposit shall not be withdrawn except upon the written order of the commissioner in payment of compensation claims, but shall be forthwith payable by the State Treasurer to the commissioner upon such order.

SEC. 2. Section 11716.1 is added to the Insurance Code, to read:

Insolvency or receivership

11716.1. If such insurer becomes insolvent or enters receivership, the commissioner shall make a determination whether such insurer shall continue to carry on its business as a workmen's compensation insurer or not. If he determines that it shall not, he shall, as soon as practicable:

(a) Notify the Industrial Accident Commission of this determination.

(b) Supply the Industrial Accident Commission with the names and addresses of all persons shown by the file of such insurer to be claimants or potential claimants for workmen's compensation benefits.

(c) Estimate the aggregate liability of such insurer under all workmen's compensation insurance policies, which estimate may be revised if there is need therefor.

(d) If such estimate as originally made or as revised does not exceed ninety percent (90%) of such deposit, pay out of such deposit the full amount of any awards of the Industrial Accident Commission which are certified to him and from which no appeal is taken.

(e) If such estimate as made or as revised exceeds ninety percent (90%) of such deposit, pay out of such deposit the amount of any awards of the Industrial Accident Commission which are certified to him and from which no appeal is taken multiplied by a factor representing the ratio between ninety percent (90%) of the amount of the deposit and the amount of the estimated liability as originally made or as revised, which estimate may be revised if there is need therefor.

(f) Upon the revision of such estimate or of such ratio make such additional payments as are required thereby.

SEC. 3. Section 11716.2 is added to the Insurance Code, to read:

Same

11716.2. Upon receipt of notice from the commissioner pursuant to Section 11716.1(a), the Industrial Accident Commission shall, as soon as practicable:

(a) Reduce all outstanding claims against such insurer under policies of workmen's compensation insurance to lump sum awards.

(b) Transmit certified copies of such awards to the commissioner.

(c) Exercise its continuing jurisdiction in proper cases to revise such awards as provided by the Labor Code and transmit certified copies of such revised awards, showing any amounts by which previous awards have been increased, to the commissioner.

(d) Certify to the commissioner at monthly intervals a schedule of all awards made and awards increased during the preceding month.

Exemption from liability

SEC. 4. The commissioner shall not be liable to any claimant because the estimates of liability made under Section 11716.1(c) have proved inadequate and have resulted in a reduction of the amount paid to any claimant; provided, such estimates and any revisions thereof are made in good faith and in accordance with law.

"Final award"

SEC. 5. The words "final award" heretofore used in Insurance Code Section 11716 have always referred to an award by the Industrial Accident Commission from which no successful appeal has been taken and which is unmodified by the Industrial Accident Commission at the termination of the time allowed for appeal or the determination of the appeal and not to an award which is final in the sense that the entire period of the Industrial Accident Commission's continuing jurisdiction has expired. Any revision of such final award during such period is to the extent of such revision itself a final award under the same circumstances.

Urgency

SEC. 6. 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 of the State of California and shall therefore take effect immediately. The following is a statement of the facts constituting such necessity:

A workmen's compensation insurer with a deposit which is security for the payment of the insurer's obligation on workmen's compensation insurance transacted in this State has become insolvent. A question has been raised whether under existing law the Industrial Accident Commission can reduce all claims to final awards without the necessity of allowing the entire five-year period of its continuing jurisdiction to elapse The practical effect of this may be to delay the payment of any workmen's compensation benefits to any claimant until the ex-

piration of such five-year period. Such a delay is at variance with the spirit of the workmen's compensation laws which is to provide to the injured workman at least an immediate payment of a subsistence amount. In order to safely permit the Industrial Accident Commission to certify its awards immediately and the Insurance Commissioner to pay such awards, it is necessary that this act go into effect immediately.

CHAPTER 15

An act relating to certain lands granted to the City of Alameda by Chapter 348 of the Statutes of 1913, as amended, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1953. Filed with Secretary of State January 28, 1953.]

In effect immediately

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

SECTION 1. The Legislature hereby finds and declares that portions of the land heretofore granted to the City of Alameda by Chapter 348 of the Statutes of 1913, as amended, have ceased to be tidelands and submerged lands and are free from all trusts and restrictions imposed thereon by any of the provisions of the granting act. The City of Alameda is hereby vested with the unqualified right to own, hold, use, sell, lease, or otherwise dispose of the following described lands without restriction:

City of Alameda Tideland grant

(a) A portion of Lot 24, in Section 17, in Township 2 South, Range 3 West, M. D. B. & M., according to the map entitled, "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Alameda, State of California," filed in the office of the Surveyor General of the State of California, bounded as follows:

Beginning at a point in San Leandro Bay, distant 1320 feet south and 660 feet west of granite monument set on the east line of Section 18, in Township 2 south, Range 3 west, Mount Diablo Base and Meridian, 2640 feet north of the southeast corner of Section 18; thence according to the true meridian across tidelands north 420.42 feet to the shore line of San Leandro Bay at ordinary high tide; thence along said shore line, north 42½° east 35.64 feet to a post marked 228; thence north 54½° east 145.20 feet to a post marked 227; thence north 36½° east 280.50 feet; thence across tidelands south 48½° east 476.52 feet, more or less, to the east line of Section 18, and the actual point of beginning of the property herein described; thence along said Section line, south 167.64 feet to San Leandro Basin; thence along San Leandro Basin, north 48° 06′ east 130.16 feet, more or less, to the intersection thereof with a line drawn south 48° 30′ east from the actual point of beginning; thence north 48° 30′ west along said line so drawn 129.36 feet, more or less, to the actual point of beginning.

(b) That portion of Lot 18, Section 10, Township 2 South, Range 4 West, Mount Diablo Base and Meridian, as shown upon

"Map No. 2 of Salt Marsh and Tide Lands, situate in the County of Alameda, State of California," certified copies thereof having been filed with the Surveyor General of the State of California, and with the County Recorder of the City and County of San Francisco lying westerly of the 2.95 acre parcel of land described in the deed from State Tide Land Commissioners to Emile Kower, dated March 20. 1872 and recorded July 13, 1875 in Book 114 of Deeds, page 92. Alameda County Records and lying northerly of the 10 acre parcel of land described in the deed from State Tide Land Commissioners to August Drucker, dated December 11, 1871 and recorded May 31, 1876 in Book 126 of Deeds, page 147, Alameda County Records.

(c) A portion of Lot 18 in Section 10, Township 2 South, Range 4 West, Mount Diablo Base and Meridian, as said lot is shown on "Map No. 2 of Salt Marsh and Tide Lands, situate in the County of Alameda, State of California," bounded as follows:

Beginning at the point of intersection of the center line of Third Street (60.00 feet wide) produced southerly with the southwestern line of Central Avenue, formerly Main Street, (55.00 feet wide), produced southeasterly, as said streets are shown on the map entitled, "Bayview Tract" filed June 29, 1922, in Book 7 of Maps, page 33 in the office of the County Recorder of Alameda County; running thence along the said line of Third Street produced, south 3° 07′ 15″ west (the bearing south 3° 07′ 15″ west being assumed for the purpose of this description), 29.26 feet; thence south 55° 36′ 30″ east 425.09 feet; thence southeasterly along the arc of a curve to the left with a radius of 445.23 feet, tangent to the said last mentioned course, a distance of 215.00 feet, more or less, to a point on the western boundary line of said Lot 18, said last mentioned point being the actual point of commencement; thence continuing easterly along the arc of said curve to the left with a radius of 445.23 feet, a distance of 14.00 feet, more or less, to a point on the northeastern boundary line of said Lot 18; thence northwesterly along the said last mentioned line 15.00 feet, more or less, to a point on the said western boundary line of said Lot 18; thence southerly along the said last mentioned line, 6.00 feet, more or less, to the actual point of commencement.

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 City of Alameda is engaged in a program of public works, including the extension and construction of streets, which affects the lands described in this act and is designed to alleviate critical housing problems. In order for this program to proceed promptly and without undue and costly delay, it is necessary that this act take effect immediately.

CHAPTER 16

An act to add Section 35855 to the Water Code, relating to California water districts and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1953. Filed with Secretary of State January 28, 1953.] In effect immediately

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

SECTION 1. Section 35855 is added to the Water Code, to read:

35855 A district may submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof, the authority of the district to make the contract, and the authority for and validity of any sale, or conveyance, under the contract. The validation proceedings shall be had as in the ordinary case of the judicial determination of the validity of district bonds with like effect. Water districts Validation of contracts

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

Many districts organized under the California Water District Act have entered into contracts with the Bureau of Reclamation for a supply of vitally needed water, and all the contracts require validation by a court of law before becoming effective. There is now no legal procedure whereby a California water district may receive the necessary validation, and consequently the Bureau of Reclamation is unable to deliver any water to such a district. This act provides the means of validating such contracts and also provides means for acquiring funds for the purchase of the water by districts. In this period of lowered ground water levels and diminished stream flows, a supplemental water supply provided by the Bureau of Reclamation is desperately needed to preserve the health and welfare of the people of California. It is therefore necessary that this act take effect immediately.

CHAPTER 17

An act to amend Section 9359.8 of the Government Code, relating to the Legislators' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1953. Filed with Secretary of State March 12, 1953.] In effect immediately

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

SECTION 1. Section 9359.8 of the Government Code is amended to read:

Payment of retirement contributions

9359.8. Upon the death of any member before retirement, his accumulated contributions shall be paid to his beneficiary, if he has designated one, and if not, to his estate. There shall also be paid to his beneficiary or estate an amount equal to one-twelfth of the annual compensation of a legislator during the 12 months immediately preceding his death, multiplied by the number of completed years of service and prior service for which he is entitled to elect to receive credit The benefits provided by this section are in addition to any benefits provided by Division 4 of the Labor Code.

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 benefit under the Legislators' Retirement Act granted to the beneficiary of a Member of the Legislature upon his death is inadequate, with the result that qualified persons, who would otherwise be candidates for the Office of Member of the Legislature, are discouraged and may determine that they cannot afford to become Members of the Legislature. Since any vacancies which may occur during the present session of the Legislature should be promptly filled by special elections at the earliest possible time, this measure is necessary for the immediate preservation of the public peace, health or safety in order that the best qualified persons will become candidates for election to such vacancies

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CHAPTER 18

An act to amend Section 54130 of the Government Code, relating to state loans for public works damaged or destroyed by earthquakes, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 19, 1953 Filed with Secretary of State March 19, 1953.]

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

SECTION 1. Section 54130 of the Government Code is amended to read:

Loans prohibited Exceptions

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. Except as may be prohibited by this section, a loan as provided for in Sections 54126 and 54129 may be made to a local agency and the local agency may accept such a loan, notwithstanding any other provision of law limiting or prohibiting the creation of any indebtedness on the part of the local agency.

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

Article 4.5 of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code was designed to enable the immediate repair and restoration of essential public facilities damaged by earthquake disaster by local agencies unable to bear the immediate cost thereof. In order to achieve such purpose it is essential that provisions of law other than Section 18 of Article XI of the Constitution, limiting the incurrence of indebtedness on the part of such local agencies, should be held inapplicable.

CHAPTER 19

An act to amend Section 809 of the Agricultural Code, relating to walnut standards.

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 809 of the Agricultural Code is amended to read:

809. Unshelled walnuts shall be well dried to the extent that the kernels in not less than 90 percent, by count, of the walnuts, based on the examination of a representative sample of any one lot, are firm and crisp. Walnuts Quality, size, etc

Walnuts shall contain not less than 90 percent, by count, based on examination of a representative sample of any one lot, of walnuts free from the following defects: blanks (walnuts without kernels); walnuts containing insects, insect excreta or webbing, or showing damage to kernel by insects; rancid kernels; kernels affected by green or yellow mold; kernels affected by white or gray mold which covers 25 percent or more of the entire surface of the kernel; kernels affected by shriveling to the extent that 50 percent or more of the entire kernel is unpalatable or inedible.

Walnuts shall contain not less than 90 percent, by count, based on a representative sample of any one lot of walnuts free from the following external defects: shells with adhering hull or showing perforations affecting more than one-eighth of the surface.

All containers and subcontainers of walnuts shall bear upon them in plain sight and in plain letters the name of the state or foreign country where the walnuts were produced and the size of the walnuts contained therein, in accordance with the size specifications defined in this section. In the case of containers or subcontainers of contents of more than one pound net weight, such markings shall be in letters not less than one-twentieth (1/20) the height of the filled container or subcontainer. In the case of containers or subcontainers of contents of one pound or less net weight, such markings shall be in letters not less than one-fourth ($\frac{1}{4}$) inch in height.

Walnuts in containers marked "Mammoth" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening ninety-six sixty-fourths inches in diameter.

Walnuts in containers marked "Jumbo" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening eighty-two sixty-fourths inches in diameter.

Walnuts in containers marked "Large" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening seventy-nine sixty-fourths inches in diameter, excepting that in the case of the Eureka variety and type the round opening shall be seventy-eight sixty-fourths inches in diameter.

Walnuts in containers marked "Medium" size or "Standard Size" shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening seventy-four sixty-fourths inches in diameter.

Walnuts in containers marked "Baby" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, shall pass through a round opening sixty sixty-fourths inches in diameter.

CHAPTER 20

An act to amend Section 961 of the Agricultural Code, relating to seed potato certification.

In effect September 9, 1953

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

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

SECTION 1. Section 961 of the Agricultural Code is amended to read:

Certified seed potatoes

961. The director shall promote and protect the potato industry of California, and establish and enforce such rules and regulations as he deems necessary for the examination and certification of potatoes grown within the State, to produce improved varieties or a higher quality of seed potatoes. He shall

issue to each grower a certificate showing the variety, quality and freedom from insect pests and diseases of the seed crop examined, and each certificate shall show the number of acres of seed potatoes so certified. All such certified seed potatoes shall be labeled with a tag attached to each container indicating compliance with the requirements of this section. The director shall establish a reasonable schedule of fees for the services provided in this section, which schedule shall be based upon the approximate cost of the service rendered. The director shall compile a list of all growers of certified seed potatoes and shall furnish copies of same upon request.

It shall be unlawful to sell potatoes grown in this State as certified seed potatoes unless such potatoes shall have been inspected and certified by the director as herein provided.

CHAPTER 21

An act to amend Section 793 of the Agricultural Code, relating to standards for berries.

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 793 of the Agricultural Code is amended to read:

Berries Quality, size, etc

793. Strawberries, red and black cap raspberries, and blackberries, including the hybrid derivatives thereof, shall be mature but not overripe, free from insect injury which has penetrated or damaged the flesh, and from mold, decay, and damage due to sun, frost, bruises, disease, or other causes.

Not more than 10 percent, by weight, of the berries in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Any strawberry which has two-thirds of the surface showing a pink or red color, shall be considered mature.

All strawberries shall be in the dry pint basket, containing an interior capacity of approximately 33.6 cubic inches. All other berries shall be in the dry pint basket or in the dry one-half pint basket containing an interior capacity of approximately 16.8 cubic inches.

CHAPTER 22

An act to amend Section 2224 of the Welfare and Institutions Code, relating to old age security with respect to the liability of relatives.

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2224 of the Welfare and Institutions Code is amended to read:

Liability for support of relatives

2224. The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid. A brief form shall be sent to the relative inquiring whether the relative is in fact contributing and will continue to contribute to the support of the applicant pursuant to the provisions of Section 2181. This form shall be completed by the relative.

Upon the request of the board of supervisors, the spouse or adult child shall file such statement within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such statement by such spouse or adult child.

If the person receiving aid has within the State, a spouse or adult child found by the board of supervisors pecuniarily able to support said person, the board of supervisors shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. If the district attorney or other civil legal officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall be made to the board of supervisors of the county. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare.

The granting of or continued receipt of aid shall not be contingent upon such recovery.

CHAPTER 23

An act to amend Section 29802 of the Government Code, relating to county warrants

In effect September 9, 1953

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

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

SECTION 1. Section 29802 of the Government Code is amended to read:

Time for presenting warrants issued to aid needy, etc

29802. Any warrant issued for the giving of aid and payable to an indigent, a needy aged person, a needy child, or a

needy blind person, or issued for the giving of such aid and payable to the guardian, trustee, disbursing agent, or any custodian of the funds or estate of any of them is void if not presented to the county treasurer for payment within six months after its date.

Any other warrant is void if not presented to the county treasurer within two years after its date.

Whenever, under the provisions of this section, warrants drawn on trust funds become void, the moneys in the county treasury represented by such warrants may be transferred to the general fund of the county by the county auditor unless disposition is otherwise provided by law.

If within five years from the date on which the original warrant became void, the payee on such a warrant presents such void warrant to the county auditor or makes affidavit that such warrant has been lost or destroyed, the county auditor shall transfer the money represented by such warrant back to the trust fund and shall draw a new warrant in favor of the payee in the same amount as the original warrant. Any such new warrant shall be subject to the limitations of presentation within two years. No warrant shall be so reissued more than once.

CHAPTER 24

An act to amend Section 17091 of the Government Code, relating to duplicate state warrants.

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 17091 of the Government Code is amended to read:

17091. Application for a duplicate warrant shall be made by filing with the Controller:

Application for duplicate warrant

(a) An affidavit setting forth the fact of its loss or destruction, giving the number, date, amount, and name of the payee, together with all material facts relative to the loss or destruction.

(b) A bond of indemnity, with two good and sufficient sureties, in the face amount of the particular warrant; provided, however, that where the face amount of the lost or destroyed warrant is greater than ten thousand dollars ($10,000) a bond of indemnity shall not be required for an amount greater than ten thousand dollars ($10,000) and, in no event, shall bonds be required to indemnify the State for a period longer than four years from the date of issuance of the lost or destroyed warrant. No bond of indemnity shall be required when the payee is the United States Government, a state of the United States, any agency, instrumentality or officer of the United States Government or of a state, or any county, city, city and county, town, district, or other political subdivision of a state, or any officer thereof, or when the amount of the lost or destroyed warrant is less than twenty-five dollars ($25).

CHAPTER 25

An act to add Section 12478 to the Government Code, relating to duplicate state pay roll warrants.

In effect September 9, 1953

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

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

SECTION 1. Section 12478 is added to the Government Code, to read:

Duplicate upon loss of pay roll warrant

12478. Upon receipt of proof, satisfactory to the Controller, that a pay roll warrant issued by the Controller has been lost or destroyed prior to its delivery to the employee to whom it is payable, the Controller shall, upon certification by the payee's appointing power, issue a duplicate warrant in payment of the same amount, without requiring a bond from the payee, and any loss incurred in connection therewith shall be charged against the account from which the payment was derived. Without limiting the generality of the preceding sentence, a pay roll warrant shall be considered to have been lost if it has been sent to the payee but not received by him within a reasonable time, consistent with the policy of prompt payment of employees or if it has been sent to a state officer or employee for delivery to the payee or for forwarding to another state officer or employee for such delivery, and has not been received within such reasonable time.

A duplicate warrant is void if not presented for payment to the State Treasurer within the same time limit provided by law for the original warrant.

CHAPTER 26

An act to repeal Sections 125, 126, 127, and 128 of the Welfare and Institutions Code, relating to the payment of allowances for old age security and security for the blind, and abolishing the Social Welfare Disbursement Fund.

In effect September 9, 1953

[Approved by Governor March 24, 1953. Filed with Secretary of State March 26, 1953.]

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

Repeal

SECTION 1. Sections 125, 126, 127, and 128 of the Welfare and Institutions Code are repealed.

CHAPTER 27

An act to amend Section 5061 of the Penal Code, relating to the payment of burial expenses and charges related thereto of persons confined in any state institution subject to the jurisdiction of the Director of Corrections.

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5061 of the Penal Code is amended to read:

Disposal of property of deceased in charge of Director of Corrections

5061. Whenever any person confined in any state institution subject to the jurisdiction of the Director of Corrections dies, and any personal funds or property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars ($300) to the payment of his burial expenses and charges related thereto. If no demand is made upon said director by the owner of the funds or property or his legally appointed representative, the director shall hold and dispose of such funds or property as follows:

If such decedent leaves a will, the director shall, within 30 days after the date of death of the decedent, deliver such will to the clerk of the superior court having jurisdiction of the estate; and if an executor is named in the will, the director shall furnish him written notice of the delivery of the will as herein provided.

All money or other personal property of the decedent remaining in the custody or possession of the director shall be held by him for a period of three years from the date of death of the decedent, for the benefit of the heirs, legatees or successors in interest of such decedent.

Upon the expiration of said three-year period, any money remaining unclaimed in the custody or possession of the director shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said three-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the director, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the director with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the director at public auction and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to other unclaimed money of the decedent;

(c) If any personal property of the decedent is not salable at public auction, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the director may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the director to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

CHAPTER 28

An act to add Section 3300.45 to the Health and Safety Code, relating to the payment of burial expenses of tuberculosis patients in institutions subject to the jurisdiction of the Department of Corrections.

In effect September 9, 1953

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

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

SECTION 1. Section 3300.45 is added to the Health and Safety Code, to read:

Burial expenses

3300.45. Whenever any person confined in any state institution, as provided in Section 2600.5 of this code, subject to the jurisdiction of the Director of Corrections, dies, and any personal funds or personal property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars ($300) to the payment of expenses relating to burial; provided, however, that if no such funds are available, the State Department of Public Health shall reimburse the Director of Corrections for such expenses in an amount not exceeding three hundred dollars ($300).

CHAPTER 29

An act to amend Section 1 of Chapter 12 of the Statutes of 1950, Third Extraordinary Session, relating to elections.

In effect September 9, 1953

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

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

SECTION 1. Section 1 of Chapter 12 of the Statutes of 1950, Third Extraordinary Session, is amended to read:

Expiration date

Section 1. The sections to the Elections Code added by this act shall remain in effect until the ninety-first day after the final adjournment of the 1955 Regular Session of the Legislature. While these sections are in effect they shall super-

sede any existing provisions of law which are in conflict with them, but such provisions are not repealed by them, and after these sections are no longer effective shall have the same force as though these sections had not been enacted.

CHAPTER 30

An act to repeal Article 2 of Chapter 1, Part 4, Division 4, Title 2, comprising Sections 17030 to 17034, inclusive, of the Government Code, relating to disbursing officers' warrants.

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953]

In effect September 9, 1953

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

SECTION 1. Article 2 of Chapter 1, Part 4, Division 4, Title 2, comprising Sections 17030 to 17034, inclusive, of the Government Code, is repealed.

Repeal

CHAPTER 31

An act to codify a statute relating to enforcement in this State of the Fair Labor Standards Act of 1938, by adding Section 50.6 to the Labor Code and by repealing Chapter 44 of the Statutes of 1939.

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 50.6 is added to the Labor Code, to read:

50.6. The Department of Industrial Relations may assist and cooperate with the Wage and Hour Division, and the Children's Bureau, United States Department of Labor, in the enforcement within this State of the Fair Labor Standards Act of 1938, and, subject to the regulations of the Administrator of the Wage and Hour Division, or the Chief of the Children's Bureau, and subject to the laws of the State applicable to the receipt and expenditures of money, may be reimbursed by the division or the bureau for the reasonable cost of such assistance and cooperation.

Enforcement of Fair Labor Standards Act of 1938

SEC. 2. Chapter 44 of the Statutes of 1939 is hereby repealed.

Repeal

CHAPTER 32

An act to codify certain acts, relating to crimes and the punishment thereof, by amending Section 182 of, by adding Chapter 12 to Title 13 of Part 1 of, by adding Article 4 to Chapter 3

of Title 1 of Part 4 of, by adding Article 5 to Chapter 3 of Title 1 of Part 4 of, and by adding Sections 217.1, 266h, 266i, 310, 337h, 487b, 487c, 487d, 597k, 643, 643a, 643b, 646, 649, 649a, and 650a to, the Penal Code, and by repealing certain statutes specified herein.

In effect September 9, 1953

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

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

SECTION 1. Section 182 of the Penal Code is amended to read:

Conspiracy:

182. If two or more persons conspire:

1. To commit any crime.

2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime.

3. Falsely to move or maintain any suit, action or proceeding.

4. To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform such promises.

5. To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws.

6. To commit any crime against the person of the President or Vice President of the United States, the governor of any state or territory, any United States Justice or Judge, or the secretary of any of the executive departments of the United States.

Penalty

They are punishable as follows:

When they conspire to commit any crime against the person of any official specified in subdivision 6, they are guilty of a felony and are punishable by imprisonment in the state prison for not less than 10 years.

When they conspire to commit any other felony, they shall be punishable in the same manner and to the same extent as is provided for the punishment of the said felony.

When they conspire to do any of the other acts described in this section they shall be punishable by imprisonment in the county jail for not more than one year, or in the state prison for not more than three years, or by a fine not exceeding five thousand dollars ($5,000) or both.

All cases of conspiracy may be prosecuted and tried in the superior court of any county in which any overt act tending to effect such conspiracy shall be done.

SEC. 2. Section 217.1 is added to said code, to read:

Same: Against public officers

217.1. Every person who attempts to kill, or who commits any assault upon the President or Vice President of the United States, the governor of any state or territory, any United States Justice or Judge, or the secretary of any of the executive departments of the United States, is guilty of a felony and is

punishable by imprisonment in the state prison for not less than 10 years.

SEC. 3. Section 266h is added to said code, to read:

Pimping Penalty

266h. Any male person who, knowing a female person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of her prostitution, or from money loaned or advanced to or charged against her by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for her, is guilty of pimping, a felony, and is punishable by imprisonment in the state prison for not less than one year nor more than 10 years.

Any female person referred to in this section is a competent witness in any prosecution hereunder to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this section, whether called as a witness during the existence of the marriage or after its dissolution.

SEC. 4. Section 266i is added to said code, to read:

Pandering Penalty

266i. Any person who: (a) procures a female inmate for a house of prostitution; or (b) by promises, threats, violence, or by any device or scheme, causes, induces, persuades or encourages a female person to become an inmate of a house of prostitution; or (c) procures for a female person a place as inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this State; or (d) by promises, threats, violence or by any device or scheme, causes, induces, persuades or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate; or (e) by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures any female person to become an inmate of a house of ill-fame, or to enter any place in which prostitution is encouraged or allowed within this State, or to come into this State or leave this State for the purpose of prostitution; or (f) receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, any female person to become an inmate of a house of ill-fame within this State, or to come into this State or leave this State for the purpose of prostitution, is guilty of pandering, a felony, and is punishable by imprisonment in the state prison for not less than one year nor more than 10 years.

Any female person referred to in this section is a competent witness in any prosecution hereunder to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this

section, whether called as a witness during the existence of the marriage or after its dissolution.

SEC. 5. Section 310 is added to said code, to read:

Prize fights, etc., minors prohibited

310. Any minor under the age of 16 years who visits or attends any prize fight, cockfight, or place where any prize fight, or cockfight, is advertised to take place, and any owner, lessee, or proprietor, or the agent of any owner, lessee, or proprietor of any place where any prize fight or cockfight is advertised or represented to take place who admits any minor under the age of 18 years to a place where any prize fight or cockfight is advertised or represented to take place or who admits, sells or gives to any such minor a ticket or other paper by which such minor may be admitted to a place where a prize fight or cockfight is advertised to take place, is guilty of a misdemeanor, and is punishable by a fine of not exceeding fifty dollars ($50) or by imprisonment in the county jail for not more than 25 days.

SEC. 6. Section 337h is added to said code, to read:

Poison, drugs, etc., administered to animals at race, etc., misdemeanor

337h. Any person who, except for medicinal purposes, administers any poison, drug, medicine, or other noxious substance, to any horse, stud, mule, ass, mare, horned cattle, neat cattle, gelding, colt, filly, dog, animals, or other livestock, entered or about to be entered in any race or upon any race course, or entered or about to be entered at or with any agricultural park, or association, race course, or corporation, or other exhibition for competition for prize, reward, purse, premium, stake, sweepstakes, or other reward, or who exposes any poison, drug, medicine, or noxious substance, with intent that it shall be taken, inhaled, swallowed, or otherwise received by any of these animals or other livestock, with intent to impede or affect its speed, endurance, sense, health, physical condition, or other character or quality, or who causes to be taken by or placed upon or in the body of any of these animals or other livestock, entered or about to be entered in any race or competition described in this section any sponge, wood, or foreign substance of any kind, with intent to impede or affect its speed, endurance, sense, health, or physical condition, is guilty of a misdemeanor.

SEC. 7. Section 487b is added to said code, to read:

Converting realty to personal property by severance Felony

487b. Every person who converts real estate of the value of fifty dollars ($50) or more into personal property by severance from the realty of another, and with felonious intent to do so, steals, takes, and carries away such property is guilty of grand theft and is punishable by imprisonment in the state prison for not less than one year nor more than 14 years.

SEC. 8. Section 487c is added to said code, to read:

Same Misdemeanor

487c. Every person who converts real estate of the value of less than fifty dollars ($50) into personal property by severance from the realty of another, and with felonious intent to do so steals, takes, and carries away such property is guilty of petit theft and is punishable by imprisonment in the county jail for not more than one year, or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment.

SEC. 9. Section 487d is added to said code, to read:

487d. Every person who feloniously steals, takes, and carries away, or attempts to take, steal, and carry from any mining claim, tunnel, sluice, undercurrent, riffle box, or sulfurate machine another's gold dust, amalgam, or quicksilver is guilty of grand theft and is punishable by imprisonment in the state prison for not less than one year nor more than 14 years. Stealing, etc. gold dust, etc Penalty

SEC. 10. Chapter 12 is added to Title 13 of Part 1 of said code, to read:

CHAPTER 12. UNLAWFUL INTERFERENCE WITH PROPERTY

Article 1. Trespassing or Loitering Near Posted Industrial Property

552. This article does not apply to any entry in the course of duty of any peace or police officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right of way for public road purposes. Exemption

552.1. This article does not prohibit:

(a) Any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union, agent, or member thereof, or of any employee group, or any member thereof, employed or formerly employed in any place of business or manufacturing establishment described in this article, or for the purpose of carrying on the lawful activities of labor unions, or members thereof. Same

(b) Any lawful activity for the purpose of investigation of the safety of working conditions on posted property by a representative of a labor union or other employee group who has upon his person written evidence of due authorization by his labor union or employee group to make such investigation.

553. The following definitions apply to this article only:

(a) "Sign" means a sign not less than one (1) square foot in area and upon which in letters not less than two inches in height appear the words "trespassing-loitering forbidden by law." "Sign"

(b) "Posted property" means any property specified in Section 554 which is posted in a manner provided in Section 554.1. "Posted property"

(c) "Posted boundary" means a line running from sign to sign and such line need not conform to the legal boundary or legal description of any lot, parcel, or acreage of land, but only the area within the posted boundary shall constitute posted property, except as otherwise provided in Section 554.1, subdivision (e). "Posted boundary"

554. Any property, except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in Section 554.1, and thereby become posted property subject to the provisions of this article applicable to posted property, if such property consists of, or is used, or is designed to be used, for any one or more of the following: Property subject to posting

(a) An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works, used for the production, extraction, treatment, handling, storage, or transportation, of oil, gas, gasoline, petroleum, or any product or products thereof.

(b) A gas plant, gas storage station, gas meter, gas valve, or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas.

(c) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy.

(d) Plant, structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radio-broadcasting.

(e) A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility, or conductor for producing, storing, diverting, conserving, treating, or conveying water.

(f) The production, storage, or manufacture of munitions, dynamite, black blasting powder, gunpowder, or other explosives.

(g) A railroad right of way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility.

Manner of posting

554.1. Any property described in Section 554 may be posted against trespassing and loitering in the following manner:

(a) If it is not enclosed within a fence and if it is of an area not exceeding one (1) acre and has no lineal dimension exceeding one (1) mile, by posting signs at each corner of the area and at each entrance.

(b) If it is not enclosed within a fence, and if it is of an area exceeding one (1) acre, or contains any lineal dimension exceeding one (1) mile, by posting signs along or near the exterior boundaries of the area at intervals of not more than 600 feet, and also at each corner, and, if such property has a definite entrance or entrances, at each such entrance.

(c) If it is enclosed within a fence and if it is of an area not exceeding one (1) acre, and has no lineal dimension exceeding one (1) mile, by posting signs at each corner of such fence and at each entrance.

(d) If it is enclosed within a fence and if it is of an area exceeding one (1) acre, or has any lineal dimension exceeding one (1) mile, by posting signs on, or along the line of, such fence at intervals of not more than 600 feet, and also at each corner and at each entrance.

(e) If it consists of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying

electricity or telegraphic or telephonic messages or of towers or derricks for the production of oil or gas, by affixing a sign upon one or more sides of such poles, towers, or derricks, but such posting shall render only the pole, tower, derrick, or appurtenant structure posted property.

555. It is unlawful to enter or remain upon any posted property without the written permission of the owner, tenant, or occupant in legal possession or control thereof. Every person who enters or remains upon posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property. Separate offense for each day of entry or stay

555.1. It is unlawful, without authority, to tear down, deface or destroy any sign posted pursuant to this article. Destruction, etc., of posted sign

555.2. It is unlawful to loiter in the immediate vicinity of any posted property. This section does not prohibit picketing in such immediate vicinity or any lawful activity by which the public is informed of the existence of an alleged labor dispute. Loitering, picketing

555.3. Violation of any of the provisions of this article is a misdemeanor. Penalty

555.4. The provisions of this article are applicable throughout the State in all counties and municipalities and no local authority shall enact or enforce any ordinance in conflict with such provisions. Applicability

555.5. If any provision of this article, or the application thereof to any person or circumstance, is held to be invalid, the remainder of the article, and the application of such provision to other persons or circumstances, shall not be affected thereby. Saving clause

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

Article 2. Unlawfully Placing Signs on Public and Private Property

556. It is a misdemeanor for any person to place or maintain, or cause to be placed or maintained without lawful permission upon any property of the State, or of a city or of a county, any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business or profession, or anything that is to be or has been sold, bartered, or given away. Permission necessary to advertise

556.1. It is a misdemeanor for any person to place or maintain or cause to be placed or maintained upon any property in which he has no estate or right of possession any sign, picture, transparency, advertisement, or mechanical device which is used Estate or right to possession necessary

for the purpose of advertising, or which advertises or brings to notice any person, article of merchandise, business or profession, or anything that is to be or has been sold, bartered, or given away, without the consent of the owner, lessee, or person in lawful possession of such property before such sign, picture, transparency, advertisement, or mechanical device is placed upon the property.

Exemptions

556.2. Sections 556 and 556.1 do not prevent the posting of any notice required by law or order of any court, to be posted, nor the posting or placing of any notice, particularly pertaining to the grounds or premises upon which the notice is so posted or placed, nor the posting or placing of any notice, sign, or device used exclusively for giving public notice of the name, direction or condition of any highway, street, lane, road or alley.

Public nuisance

556.3. Any sign, picture, transparency, advertisement, or mechanical device placed on any property contrary to the provisions of Sections 556 and 556.1, is a public nuisance.

SEC. 11. Section 597k is added to said code, to read:

Use of bristle bur, etc., unlawful

597k. Anyone who, having care, custody or control of any horse or other animal, uses what is known as the bristle bur, tack bur, or other like device, by whatsoever name known or designated, on such horse or other animal for any purpose whatsoever, is guilty of a misdemeanor and is punishable by a fine of not less than twenty-five dollars ($25) nor more than two hundred fifty dollars ($250), or by imprisonment in the county jail for not less than 10 days nor more than 175 days, or by both such fine and imprisonment.

SEC. 12. Section 643 is added to said code, to read:

Use of white, etc., cane

643. No person, except those wholly or partially blind, shall carry or use on any street, highway, or in any other public place a cane or walking stick which is white in color, or white tipped with red.

SEC. 13. Section 643a is added to said code, to read:

Avoiding injury, etc., to person using cane

643a. Any pedestrian who is not wholly or partially blind, or any driver of a vehicle who approaches or comes in contact with a person wholly or partially blind, carrying a cane or walking stick white in color, or white tipped with red, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person wholly or partially blind.

SEC. 14. Section 643b is added to said code, to read:

Misdemeanor

643b. Any person other than a person wholly or partially blind who carries a cane or walking stick as described in Section 643, contrary to the provisions thereof, or who fails to heed the approach of a person carrying a cane described by Section 643a, or who fails to stop upon approaching or coming in contact with a person so carrying such a cane or walking stick, or who fails to take precaution against accident or injury to such a person after coming to a stop, is guilty of a misdemeanor.

Soliciting business of collecting claims unlawful

SEC. 15. Section 646 is added to said code, to read:

646. It is unlawful for any person with the intent, or for the purpose of instituting a suit thereon outside of this State, to

seek or solicit the business of collecting any claim for damages for personal injury sustained within this State, or for death resulting therefrom, with the intention of instituting suit thereon outside of this State, in cases where such right of action rests in a resident of this State, or his legal representative, and is against a person, copartnership, or corporation subject to personal service within this State.

Penalty

Any person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), by imprisonment in the county jail not less than 30 days nor more than six months, or by both fine and imprisonment at the discretion of the court but within said limits.

SEC. 16. Section 649 is added to said code, to read:

Misdirection by taxicab, etc., operators

649. Any person engaged in the transportation of persons by taxicab or other means of conveyance who knowingly misdirects a prospective guest of any hotel, inn, boardinghouse or lodginghouse or knowingly takes such a prospective guest to a hotel, inn, boardinghouse or lodginghouse different from that of his instructions from such prospective guest is guilty of a misdemeanor.

SEC. 17. Section 649a is added to said code, to read:

Inducing misdirection

649a. Any person engaged in the operation of any hotel, inn, boardinghouse or lodginghouse who pays another any compensation for inducing or attempting to induce, by false statement or misrepresentation, prospective guests of a given hotel, inn, boardinghouse or lodginghouse to enter, lodge at or become a guest of any other hotel, inn, boardinghouse or lodginghouse is guilty of a misdemeanor.

SEC. 18. Section 650a is added to said code, to read:

Appearing on highway, etc., with face covered

650a. It is a misdemeanor for any person, either alone or in company with others, to appear on any street or highway, or in other public places or any place open to view by the general public, with his face partially or completely concealed by means of a mask or other regalia or paraphernalia, with intent thereby to conceal his identity. This section does not prohibit the wearing of such means of concealment in good faith for the purposes of amusement, entertainment or in compliance with any public health order.

SEC. 19. Article 4 is added to Chapter 3 of Title 1 of Part 4 of said code, to read:

Article 4. Criminal Syndicalism

"Criminal syndicalism"

11400 "Criminal syndicalism" as used in this article means any doctrine or precept advocating, teaching or aiding and abetting the commission of crime, sabotage (which word is hereby defined as meaning wilful and malicious physical damage or injury to physical property), or unlawful acts of force and violence or unlawful methods of terrorism as a means of accom-

plishing a change in industrial ownership or control, or effecting any political change.

Aiding, abetting, etc syndicalism Penalty

11401. Any person who:

1. By spoken or written words or personal conduct advocates, teaches or aids and abets criminal syndicalism or the duty, necessity or propriety of committing crime, sabotage, violence or any unlawful method of terrorism as a means of accomplishing a change in industrial ownership or control, or effecting any political change; or

2. Wilfully and deliberately by spoken or written words justifies or attempts to justify criminal syndicalism or the commission or attempt to commit crime, sabotage, violence or unlawful methods of terrorism with intent to approve, advocate or further the doctrine of criminal syndicalism; or

3. Prints, publishes, edits, issues or circulates or publicly displays any book, paper, pamphlet, document, poster or written or printed matter in any other form, containing or carrying written or printed advocacy, teaching, or aid and abetment of, or advising, criminal syndicalism; or

4. Organizes or assists in organizing, or is or knowingly becomes a member of, any organization, society, group or assemblage of persons organized or assembled to advocate, teach or aid and abet criminal syndicalism; or

5. Wilfully by personal act or conduct, practices or commits any act advised, advocated, taught or aided and abetted by the doctrine or precept of criminal syndicalism, with intent to accomplish a change in industrial ownership or control, or effecting any political change;

Is guilty of a felony and punishable by imprisonment in the state prison not less than one nor more than 14 years.

Saving clause

11402. If for any reason any section, clause or provision of this article shall by any court be held unconstitutional, the Legislature hereby declares that, irrespective of the unconstitutionality so determined of such section, clause or provision, it would have enacted and made the law of this State all other sections, clauses and provisions of this article.

SEC. 20. Article 5 is added to Chapter 3 of Title 1 of Part 4 of said code, to read:

Article 5. Marathon Dances and Exhibitions

Unlawful to conduct, etc, "marathon dance," etc

11450. It is unlawful for any person to conduct, carry on, manage or maintain, or to cause or permit to be conducted, carried on, managed or maintained, or for any person to participate in, or to cause or permit to be participated in, or to aid or assist in the conducting or maintenance of, any public so-called "marathon dance," "walkathon," "endurathon," "speedathon," or any public human endurance dancing, walking, running, skipping, jumping, sliding, gliding, rolling, or crawling contest or exhibition, under any other designation or name, or any similar public exhibition or contest of human endurance in dancing, walking, running, skipping, jumping, sliding, gliding, rolling or crawling, within the State.

11451. Section 11450 does not apply to amateur or professional athletic events or contests or to high school, college or intercollegiate athletic contests or sports, or to any events or contests licensed by the State or by any board, commission or officer thereof. Exemptions

11452. Any person violating any of the provisions of this article is guilty of a misdemeanor and is punishable by a fine of not to exceed five hundred dollars ($500) or by imprisonment in the county jail for not to exceed six (6) months or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this article occurs or continues constitutes a separate offense and is punishable as provided in this section. Penalty

11453. "Person" as used in this article includes any firm, copartnership, corporation, association, society, club or individual. "Person"

11454. If any section, 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 act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause and phrase hereof irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional. Saving clause

SEC. 21. The following statutes, together with all amendments thereof and all statutes supplementary thereto, are repealed: Repeal

Year	Chapter	Page
1871–2	218	282
1871–2	322	435
1901	168	553
1903	55	58
1903	129	139
1909	649	983
1911	14	9
1911	15	10
1911	487	957
1919	188	281
1921	100	96
1923	153	316
1931	708	1495
1931	1013	2027
1935	126	476
1935	247	933
1941	695	2159

CHAPTER 33

An act to codify Chapter 164 of the Statutes of 1917, relating to institution-made goods, by adding Article 2 to Chapter 1 of Title 14 of Part 2 of the Penal Code, and repealing Chapter 164 of the Statutes of 1917.

In effect September 9, 1953

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

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

SECTION 1. Article 2 is added to Chapter 1 of Title 14 of Part 2 of the Penal Code, to read:

Article 2. Goods Produced in Public Institutions

Foreign prison made articles of personal wear: Label

2895. No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article intended for personal wear which was manufactured at a state penitentiary, state reform school or at any other institution supported at public expense and located outside the State, unless the article has affixed, stamped or printed upon it, a label in letters three-eighths of an inch in height, designating the institution where the article was manufactured.

Notice of place of manufacture

2896. No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article intended for personal wear which was manufactured at a state penitentiary, state reform school or at any other institution supported at public expense and located outside the State unless there is kept on exhibition in a conspicuous place, where the article is exposed or offered for sale, a notice at least 12 inches in length by six inches in height, stating that goods so manufactured are on sale there.

Penalty

2897. Any person who knowingly violates the provisions of this article is guilty of a misdemeanor, and is punishable for the first offense by a fine of not less than twenty dollars ($20) nor more than one hundred dollars ($100); or by imprisonment in the county jail for not less than 10 days and not exceeding 30 days; and for each subsequent offense by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200), or by imprisonment in the county jail for not less than 20 days nor more than 100 days, or by both such fine and imprisonment, at the discretion of the court.

Application of article

2898. This article applies only to the sale, offer for sale, exposure for sale, or possession for the purpose of selling goods produced in public institutions not located in this State and not otherwise provided for by law.

Repeal

SEC. 2. Chapter 164 of the Statutes of 1917 is hereby repealed.

CHAPTER 34

An act to codify Chapter 417 of the Statutes of 1929, relating to reports of injuries by hospitals, by adding Article 2 to Chapter 2 of Title 1 of Part 4 of the Penal Code, and repealing Chapter 417 of the Statutes of 1929.

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Article 2 is added to Chapter 2 of Title 1 of Part 4 of the Penal Code, to read:

Article 2. Reports of Injuries by Hospitals

Report of injuries: Hospitals, etc

11160. Every person, firm or corporation conducting any hospital or pharmacy in the State, or the managing agent thereof, or the person managing or in charge of such hospital or pharmacy, or in charge of any ward or part of such hospital to which any person suffering from any wound or other injury inflicted by his own act or by the act of another by means of a knife, gun, pistol or other deadly weapon, or in cases where injuries have been inflicted upon any person in violation of any penal law of this State shall come or be brought, shall report the same immediately, both by telephone and in writing, to the chief of police, city marshal, town marshal or other head of the police department of any city, city and county, town or municipal corporation of this State, or to the sheriff, if such hospital or pharmacy is located outside the incorporated limits of a city, town or other municipal corporation. The report shall state the name of the injured person, if known, his whereabouts and the character and extent of his injuries.

Physicians, surgeons

11161. Every physician or surgeon who has under his charge or care any person suffering from any wound or injury inflicted in the manner specified in Section 11160 shall make a report of the kind specified in this article to the appropriate officers named in Section 11160.

Penalty

11162. Any person, firm or corporation violating any provision of this article is guilty of a misdemeanor and is punishable by imprisonment in the county jail not exceeding six months or by a fine not exceeding five hundred dollars ($500), or by both.

Repeal

SEC. 2. Chapter 417 of the Statutes of 1929 is hereby repealed.

CHAPTER 35

An act to codify certain statutes, relating to the use of property for unlawful purposes and the abatement thereof, by adding Chapter 3 to Title 1 of Part 4 of the Penal Code, and repealing certain statutes specified herein.

In effect September 9, 1953

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

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

SECTION 1. Chapter 3 is added to Title 1 of Part 4 of the Penal Code, to read:

CHAPTER 3. PREVENTION AND ABATEMENT OF UNLAWFUL ACTIVITIES

Article 1. Unlawful Liquor Sale Abatement Law

Nuisance subject to injunction

11200. Every building or place used for the purpose of unlawfully selling, serving or giving away any spirituous, vinous, malt or other alcoholic liquor, and every building or place in or upon which such liquors are unlawfully sold, served or given away, is a nuisance which shall be enjoined, abated and prevented, whether it is a public or private nuisance.

Abatement

11201. Whenever there is reason to believe that a nuisance as defined in this article is kept, maintained or exists in any county, the district attorney, in the name of the people of the State of California, must, or any citizen of the State resident within said county, in his own name may, maintain an action in equity to abate and prevent the nuisance and to perpetually enjoin the person or persons conducting or maintaining it, and the owner, lessee or agent of the building, or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting it.

The complaint in such action must be verified unless filed by the district attorney.

Temporary injunction

11202. Whenever the existence of a nuisance is shown in an action brought under this article to the satisfaction of the court or judge thereof, either by verified complaint or affidavit, and the court or judge is satisfied that the owner of the property has received written notice of the existence of the nuisance, signed by the complainant or the district attorney at least two weeks prior to the filing of the complaint, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance. On granting such writ the court or judge must require, except when granted on application of the people, written undertaking on the part of the applicant, with sufficient securities, to the effect that he will pay to the party enjoined such damages, not exceeding an amount to be specified, as the opposing party may sustain by reason of the injunction, if the court finally decides that the applicant was not entitled thereto.

11203. Actions brought under this article shall have precedence over all other actions, excepting criminal proceedings, election contests and hearings on injunctions. If a complaint is filed under this article by a citizen, it shall not be dismissed by the plaintiff or for want of prosecution except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal ordered by the court. In case of failure to prosecute any such action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff. If the action is brought by a citizen and the court finds there was no reasonable ground or cause therefor, the costs shall be taxed against such citizen. Actions have precedence

11204. If the existence of a nuisance is established in an action as provided in this article, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in such action are a lien upon the building and place, enforceable and collectible by execution issued by order of the court. Costs, liens, executions

11205. Any violation or disobedience of an injunction or order expressly provided for in this article is punishable as a contempt of court by a fine of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both. Violation of injunction Penalty

11206. Whenever the owner of a building or place upon which an act or acts constituting a contempt as defined in this article has been committed is guilty of a contempt of court, and is fined therefor in any proceedings under this article, the fine is a lien upon such building and place to the extent of the interest of such person therein, enforceable and collectible by execution issued by order of the court. Fine constitutes a lien

11207. "Person," as used in this article, means individuals, corporations, associations, partnerships, trustees, lessees, agents and assignees. "Person"

Article 2. Red Light Abatement Law

11225. Every building or place used for the purpose of lewdness, assignation or prostitution and every building or place in or upon which acts of lewdness, assignation or prostitution are held or occur, is a nuisance which shall be enjoined, abated and prevented, whether it is a public or private nuisance. Places used for lewdness, etc., nuisance

11226. Whenever there is reason to believe that a nuisance as defined in this article is kept, maintained or is in existence in any county, the district attorney, in the name of the people of the State of California, must, or any citizen of the State resident within said county, in his own name may, maintain an action in equity to abate and prevent the nuisance and to perpetually enjoin the person conducting or maintaining it, and the owner, lessee or agent of the building, or place, in or upon Action to abate, enjoin

which the nuisance exists, from directly or indirectly maintaining or permitting it.

The complaint in such action must be verified unless filed by the district attorney.

Temporary injunction

11227. Whenever the existence of a nuisance is shown in an action brought under this article to the satisfaction of the court or judge thereof, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of such nuisance.

Actions have precedence

11228. Actions brought under this article have precedence over all actions, excepting criminal proceedings, election contests and hearings on injunctions, and in such actions evidence of the general reputation of a place is admissible for the purpose of proving the existence of a nuisance. If the complaint is filed by a citizen, it shall not be dismissed by the plaintiff or for want of prosecution except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal ordered by the court. In case of failure to prosecute any such action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff. If the action is brought by a citizen and the court finds there was no reasonable ground or cause therefor, the costs shall be taxed against such citizen.

Violation of injunction Penalty

11229. Any violation or disobedience of an injunction or order expressly provided for by this article is punishable as a contempt of court by a fine of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000), by imprisonment in the county jail for not less than one nor more than six months, or by both.

Order of abatement Possession of property, etc

11230. If the existence of a nuisance is established in an action as provided in this article, an order of abatement shall be entered as a part of the judgment in the case, directing the removal from the building or place of all fixtures, musical instruments and movable property used in conducting, maintaining, aiding or abetting the nuisance, and directing the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and that it be kept closed for a period of one year, unless sooner released. While such order remains in effect as to closing, such building or place is and shall remain in the custody of the court. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution. For closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Proceeds of sale

11231. The proceeds of the sale of the property, as provided in Section 11230, shall be applied as follows:

1. To the fees and costs of removal and sale;

2. To the allowances and costs of closing and keeping closed the building or place;

3 To the payment of plaintiff's costs in the action;

4 The balance, if any, shall be paid to the owner of the property so sold

If the proceeds of the sale do not fully discharge all such costs, fees and allowances, the building and place shall also be sold under execution issued upon the order of the court or judge and the proceeds of such sale applied in like manner.

Release of property and cancellation of abatement

11232. If the owner of the building or place is not guilty of any contempt of court in the proceedings, and appears and pays all costs, fees and allowances which are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any nuisance that may exist at such building or place and prevent the same from being established or kept thereat within a period of one year thereafter, the court, or judge thereof, may, if satisfied of his good faith, order the premises closed under the order of abatement, to be delivered to said owner, and the order of abatement canceled so far as the same may relate to said property. The release of the property under the provisions of this section does not release it from any judgment, lien, penalty or liability to which it may be subject by law.

Fine constitutes a lien

11233. Whenever the owner of a building or place upon which an act or acts constituting a contempt as defined in this article has been committed, is guilty of a contempt of court and fined therefor under this article, the fine shall be a lien upon the building and place to the extent of the interest of such person therein, enforceable and collectible by execution issued by the order of the court.

"Person"

11234 "Person" as used in this article means individuals corporations, associations, partnerships, trustees, lessees, agents and assignees.

"Building"

11235. "Building" as used in this article means so much of any building or structure of any kind as is or may be entered through the same outside entrance.

Article 3. Control of Gambling Ships

Soliciting etc., visit to gambling ship

11300. It is unlawful for any person, within this State, to solicit, entice, induce, persuade or procure, or to aid in soliciting, enticing, inducing, persuading or procuring any person to visit any gambling ship, whether such gambling ship be within or without the jurisdiction of the State.

"Craft"

11301 As used in this article "craft" includes every boat, ship, vessel, craft, barge, hulk, float or other thing capable of floating.

Soliciting, etc., visit to craft for trip to gambling ship

11302. It is unlawful for any person, within this State, to solicit, entice, induce, persuade or procure, or to aid in soliciting, enticing, inducing, persuading or procuring any person to visit any craft, whether such craft is within or without the jurisdiction of the State, from which craft any person is transported, conveyed or carried to any gambling ship, whether such gambling ship is within or without the jurisdiction of the State.

Transporting person to gambling ship

11303. It is unlawful for any person, firm, association or corporation to transport, convey or carry, or to aid in transporting, conveying or carrying any person to any gambling ship, whether such gambling ship is within or without the jurisdiction of the State.

Transporting person to craft

11304. It is unlawful for any person, firm, association or corporation to transport, convey or carry, or to aid in transporting, conveying or carrying any person to any craft, whether such craft is within or without the jurisdiction of the State, from which craft any person is transported, conveyed, or carried to any gambling ship, whether such gambling ship is within or without the jurisdiction of the State.

"Means of conveyance"

11305. Any boat, ship, vessel, watercraft, barge, airplane, seaplane or aircraft, hereinafter called "means of conveyance," used for the purpose of transporting, conveying or carrying persons in violation of this article is a public nuisance which shall be enjoined, abated and prevented.

Abating and enjoining nuisance

11306. Whenever there is reason to believe that a nuisance as defined in this article is kept, maintained or exists in any county, the district attorney, in the name of the people, shall, or any citizen of the State resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person or persons conducting or maintaining it, whether as principal, agent, servant, employee or otherwise, from directly or indirectly maintaining or permitting the nuisance.

Unless filed by the district attorney, the complaint in the action shall be verified.

In any such action the plaintiff, at the time of issuing the summons, or at any time afterward, may have the means of conveyance, with its tackle, apparel and furniture, seized and kept as security for the satisfaction of any judgment that may be entered in the action.

Bond to regain possession of seized conveyance, etc

11307. When any means of conveyance is seized pursuant to Section 11306, the owner thereof or any other person otherwise entitled to possession thereof may apply to the court in which the action is pending for leave to file bond and regain possession of the means of conveyance during the pendency of the proceedings. The bond shall be in an amount determined by the judge to be the actual value of the means of conveyance at the time of its release. Upon giving said bond conditioned upon compliance with the terms of any temporary writ of injunction entered in the action and upon the return of the means of conveyance to the custody of the court in the event the same is ordered forfeited, the person on whose behalf such bond is given shall be put in possession of said means of conveyance and may use it until it is finally ordered delivered up and forfeited, if such be the judgment of the court.

Temporary injunction

11308. If the existence of a nuisance as defined in this article is shown in any action brought thereunder to the satisfaction of the court or judge, either by verified complaint or

affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance.

Except when granted on the application of the people, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it.

Actions have precedence

11309. Actions brought under this article shall have precedence over all other actions, except criminal proceedings, election contests and hearings on injunctions.

If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.

In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff.

If the action is brought by a citizen and the court finds there was no reasonable ground or cause therefor, the costs shall be taxed against him.

Order of abatement, costs as lien

11310. If the existence of a nuisance as defined in this article is established in an action brought thereunder, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the means of conveyance, and upon its tackle, apparel and furniture. The lien is enforceable and collectible by execution issued by order of the court.

Violation of injunction Penalty

11311. A violation or disobedience of an injunction or order for abatement provided for in this article is punishable as a contempt of court by a fine of not less than two hundred dollars ($200) or more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both.

Order of abatement, seizure, etc

11312. If the existence of a nuisance as defined in this article is established in an action brought thereunder, an order of abatement shall be entered as a part of the judgment, which order shall direct the seizure and forfeiture of the means of conveyance with its tackle, apparel and furniture, and the sale thereof in the manner provided for the sale of like chattels under execution.

While the order of abatement remains in effect, the means of conveyance is in the custody of the court.

For seizing and selling the means of conveyance, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution.

Proceeds of sale

11313. The proceeds of the sale of the means of conveyance shall be applied as follows:

First—To the fees and costs of the seizure and sale.

Second—To the payment of the plaintiff's costs in the action.

Third—The balance, if any, shall be paid into the State Treasury to the credit of the General Fund.

Bond release of seized conveyance, etc.

11314. If the owner of the means of conveyance has not been guilty of any contempt of court in a proceeding brought under this article, and appears and pays all costs, fees, and allowances that are a lien on the means of conveyance and files a bond in the full value of the means of conveyance, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate the nuisance and prevent it from being established or resumed within a period of one year thereafter, the court or judge may, if satisfied of his good faith, order the means of conveyance to be delivered to the owner, and the order of abatement canceled so far as it may relate thereto. The release of such means of conveyance under the provisions of this section does not release it from any judgment, lien, penalty, or liability to which it may be subject.

Contempt fine is a lien

11315. Whenever the owner of the means of conveyance, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceeding under this article, the fine is a lien upon the property to the extent of his interest in it. The lien is enforceable and collectible by execution issued by order of the court.

Penalty

11316. Any person, firm, association or corporation, either as principal, agent, servant, employee or otherwise, who violates any of the provisions of this article is guilty of a misdemeanor.

"Gambling ship"

11317. The term "gambling ship" as used in this article means any boat, ship, vessel, watercraft or barge kept, operated or maintained for the purpose of gambling, whether within or without the jurisdiction of the State, and whether it is anchored, lying to, or navigating.

Saving clause

11318 If any section, subsection, paragraph, sentence or clause of this article is for any reason held to be invalid, the Legislature hereby declares that had it known of the invalidity of that portion at the time of this enactment, it would have passed the remainder of the article without the invalid portion and that it is the intention of the Legislature that the remainder of the article operate in the event of the invalidity of any portion thereof.

Repeal

SEC 2 The following statutes are hereby repealed:

Chapter 17 of the Statutes of 1913, Chapter 132 of the Statutes of 1915, Chapter 386 of the Statutes of 1929, and Chapter 355 of the Statutes of 1947.

CHAPTER 36

An act to codify certain statutes, relating to the control of deadly weapons by adding Title 2 to Part 4 of the Penal Code, and by repealing certain statutes specified herein.

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Title 2 is added to Part 4 of the Penal Code, to read:

TITLE 2. CONTROL OF DEADLY WEAPONS

CHAPTER 1. CONCEALED WEAPONS

Article 1. General Provisions

12000. This chapter shall be known and may be cited as "The Dangerous Weapons' Control Law." Short title

12001. "Pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this chapter apply to and include all firearms having a barrel less than 12 inches in length. Definitions

This chapter does not apply to antique pistols or revolvers incapable of use as such. Exceptions

12002. Nothing in this chapter prohibits police officers, special police officers, peace officers, or law enforcement officers from carrying any wooden club, baton, or any equipment authorized for the enforcement of law or ordinance in any city or county. Exemptions

12003. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this chapter. 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 other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Saving clause

Article 2. Unlawful Carrying and Possession of Concealed Weapons

12020. Any person in this State who manufactures or causes to be manufactured, imports into the State, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung shot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years. Manufacture, sale, etc.

Possession, custody, etc., by former felon or addict

12021. Any person who is not a citizen of the United States and any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

Armed with weapons, etc. while attempting or committing felony

12022. Any person who commits or attempts to commit any felony within this State while armed with any of the weapons mentioned in Section 12020 or while armed with any pistol, revolver, or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as provided by this chapter, upon conviction of such felony or of an attempt to commit such felony, shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in a state prison for not less than five nor more than 10 years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he is convicted and shall not run concurrently with such sentence.

Second conviction

Upon a second conviction under like circumstances the additional period of imprisonment shall be for not less than 10 years nor for more than 15 years, and upon a third conviction under like circumstances the additional period of imprisonment shall be for not less than 15 nor for more than 25 years, such terms of additional imprisonment to run consecutively.

Additional convictions

Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of not less than 25 years, within the discretion of the court in which the fourth or subsequent conviction was had.

Prima facie evidence of intent

12023. In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in Section 12020, or while armed with any pistol, revolver, or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as provided by this chapter, the fact that he was so armed shall be prima facie evidence of his intent to commit the felony.

No probation suspension

12024. In no case shall any person punishable under Sections 12020 and 12021 be granted probation by the trial court, nor shall the execution of the sentence imposed upon him be suspended by the court.

Penalty

12025. Except as otherwise provided in this chapter, any person who carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver, or other firearm capable of being concealed upon the person without having a license to carry such firearm as pro-

vided in this chapter is guilty of a misdemeanor, and if he has been convicted previously of any felony or of any crime made punishable by this chapter, is guilty of a felony.

Exceptions

Firearms carried openly in belt holsters are not concealed within the meaning of this section, nor are knives which are carried openly in sheaths suspended from the waist of the wearer.

Exemptions

12026. Section 12025 shall not be construed to prohibit any citizen of the United States over the age of 18 years who resides or is temporarily within this State, and who is not within the excepted classes prescribed by Section 12021, from owning, possessing, or keeping within his place of residence or place of business any pistol, revolver, or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess, or keep any such firearm at his place of residence or place of business shall be required of him.

Same

12027. Section 12025 does not apply to or affect any of the following:

(a) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, whether active or honorably retired, other duly appointed peace officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this State.

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this State.

(f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using any of the firearms referred to in this chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Dirks, etc., nuisances Destruction

12028. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any dirk, dagger, pistol, revolver, or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of a person unlawfully carrying the same are nuisances, and shall be surrendered to the magistrate before whom the person is taken, except that in any city or county the weapons

shall be surrendered to the head of the police force or police department. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy the weapons or cause them to be destroyed to such extent that they shall be wholly and entirely ineffective and useless for the purpose for which they were manufactured. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

Blackjacks, etc., nuisances Destruction

12029 Blackjacks, slung shots, billies, sandclubs, sandbags and metal knuckles are nuisances and shall be subject to confiscation and summary destruction whenever found within the State, except that upon the certification of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

Delivery of firearms to State Guard, etc

12030. The officer having custody of any firearms which may be useful to the State Guard, the Coast Guard Auxiliary or to any military or naval agency of the Federal or State Government may upon the authority of the legislative body of the city, city and county, or county by which he is employed and the approval of the Adjutant General of the State deliver such firearms to the commanding officer of a unit of the State Guard, the Coast Guard Auxiliary or any other military agency of the State or Federal Government in lieu of destruction as required by this chapter.

The officer delivering the firearms shall take a receipt for them containing a complete description thereof and shall keep the receipt on file in his office as a public record.

Article 3. Licenses to Carry Concealed Weapons

License to carry concealed weapon

12050. The sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city or county, upon proof that the person applying is of good moral character, and that good cause exists for the issuance may issue to such person a license to carry concealed a pistol, revolver, or other firearm for a period of one year from the date of the license.

Applications

12051. Applications for licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber.

Applications and licenses shall be uniform throughout the State, upon forms to be prescribed by the Attorney General.

12052. The fingerprints of each applicant shall be taken and two copies on standardization 8-inch x 8-inch cards shall be forwarded to the State Bureau of Criminal Identification and Investigation Upon receipt of the fingerprint cards, the bureau shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office. No license shall be issued by any licensing authority until after receipt of such report from the bureau. Fingerprints

12053. When licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority a record shall be maintained in the office of the authority by whom issued. Copies of each license issued shall be filed immediately by the issuing officer or authority with the State Bureau of Criminal Identification and Investigation. Records

12054. Each applicant for a license shall pay a fee of one dollar ($1) at the time of filing his application The officer receiving the application and the fee shall transmit the fee with the fingerprint cards to the State Bureau of Criminal Identification and Investigation. All money so received by the bureau shall promptly be deposited in the State Treasury and credited to the General Fund Fee

Article 4. Licenses to Sell Concealed Weapons

12070 Any person who, without being licensed as provided in this article, engages in the business of selling or otherwise transferring, or who advertises for sale, or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person is guilty of a misdemeanor. Unlicensed sale, etc., of concealed weapons

12071 The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture: License to sell pistols, etc., at retail

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed

in any part of the premises where it can readily be seen from the outside.

Transfers, deliveries

12072. No person shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12201 from owning or possessing such firearms, nor to any minor under the age of 18 years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this State who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

Register of sales

12073. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as provided by this chapter, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm.

Exemption

This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city or county wherein they are situated.

Register furnished by State Printer

12074. The register shall be prepared by and obtained from the State Printer and shall be furnished by the State Printer to the dealers on application at a cost to be determined by the Department of Finance for each 100 leaves in triplicate, one original and two duplicates for the making of carbon copies. The original, duplicate, and triplicate copies shall differ in color, and shall be in the form provided by this article.

Not transferable

12075. The State Printer upon issuing a register shall forward to the State Bureau of Criminal Identification and Investigation the name and business address of the dealer together with the series and sheet numbers of the register. The register shall not be transferable. If the dealer moves his business to a different location he shall notify the bureau of such fact in writing within 48 hours.

Purchaser must sign, etc

12076. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to the register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser.

One of the triplicate sheets of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the Bureau of Criminal Identification and Investigation at Sacramento and one shall be mailed, postage prepaid, to

the board of police commissioners, chief of police, city marshal, town marshal, or other head of police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the triplicate sheet shall be mailed to the county clerk of the county wherein the sale is made.

12077. The register provided for in this article shall be substantially in the following form: Forms

FORM OF REGISTER
Original

Serial No._____
Sheet No._____

DEALER'S RECORD OF SALE OF REVOLVER OR PISTOL
STATE OF CALIFORNIA

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in triplicate.

A carbon copy must be mailed on the day of sale to the State Bureau of Criminal Identification and Investigation at Sacramento, and a carbon copy must be mailed at the same time to the head of police commissioners, chief of police, city marshal, town marshal, or other head of police department of the municipal corporation, wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by _____, Salesman _____
City, town or township, _____
Description of arm (state whether revolver or pistol) _____
Maker _____, number _____, caliber_____
Name of purchaser _____ age _____ years
Permanent residence (state name of city, town or township, street and number of dwelling) _____
Height _____ feet, _____ inches. Occupation _____
Color _____, skin _____, eyes _____, hair _____
If traveling or in locality temporarily, give local address: _____
Signature of purchaser:_____
(Signing a fictitious name or address is a misdemeanor)
(To be signed in triplicate)
Witness: _____ Salesman.
(To be signed in triplicate)

Duplicate and triplicate carbon copies.

Series No. _____
Sheet No. _____

DEALER'S RECORD OF SALE OF REVOLVER OR PISTOL.
STATE OF CALIFORNIA

Notice to dealers: Two duplicate carbon copies are required. They must be mailed on the day of sale as set forth in the original

of this registered page. Violation of this law is a misdemeanor.
Sold by _____, Salesman _____
City, town or township, _____
Description of arm (state whether revolver or pistol) _____
Maker _____, number _____, caliber _____
Name of purchaser _____ age _____ years
Permanent address (state name of city, town or township, street and number of dwelling) _____
Height _____ feet, _____ inches. Occupation_____
Color _____, skin _____, eyes _____, hair _____
If traveling or in locality temporarily, give local address: _____
Signature of purchaser: _____
(Signing a fictitious name or address is a misdemeanor)
(To be signed in triplicate)
Witness: _____, Salesman.
(To be signed in triplicate)
(Any person signing a fictitious name or address to said register and any person violating any of the provisions of this section is guilty of a misdemeanor.)

Article 5. Obliteration of Identification Marks

Changing, etc., name of maker, etc of pistol or revolver

12090. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the State Bureau of Criminal Identification and Investigation, on any pistol or revolver, without first having secured written permission from the bureau to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

Presumption

12091. Possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.

Assigning numbers

12092. The State Bureau of Criminal Identification and Investigation upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the bureau has been destroyed or obliterated.

Stamping, etc numbers etc

12093. Any person who places or stamps on any pistol or revolver any number except one assigned to it by the bureau is guilty of a misdemeanor. This section does not prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when such restoration is authorized by the bureau, nor prevent any manufacturer from placing in the ordinary course of business the name of the maker, model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

12094. Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol or revolver which does not bear the manufacturer's number or other mark of identification in its original condition or as restored, or a distinguishing number or mark assigned to it by the State Bureau of Criminal Identification and Investigation is guilty of a misdemeanor. Buying, etc., pistol without manufacturer's mark

CHAPTER 2. MACHINE GUNS

Article 1. General Provisions

12200. The term machine gun as used in this chapter shall apply to and include all firearms known as machine rifles, machine guns, or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device and all firearms which are automatically fed after each discharge from or by means of clips, disks, drums, belts or other separable mechanical device having a capacity greater than 10 cartridges. Machine guns defined

12201 Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments and members thereof, sheriffs, and city marshals, or the military or naval forces of this State or of the United States for use in the discharge of their official duties. Exemptions

Article 2. Unlawful Possession of Machine Guns

12220 Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment. Sale etc., public offense

Article 3. Permits

12230. Chief of the Bureau of Criminal Identification and Investigation may issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issuance thereof to the applicant for such permit but no permit shall be issued to a person who is under 21 years of age. Permits

12231. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the firearms are to be put. Applications

Applications and permits shall be uniform throughout the State on forms prescribed by the Bureau of Criminal Identification and Investigation.

Open for inspection

12232. Every person, firm or corporation to whom a permit is issued shall keep it on his person or at the place where the firearms are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

Revocation

12233. Permits issued in accordance with this chapter may be revoked by the issuing authority at any time when it appears that the need for the firearms has ceased or that the holder of the permit has used the firearms for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

Article 4. Licenses to Sell Machine Guns

License to sell

12250. The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machine guns subject to all of the following conditions, upon breach of any of which the license shall be revoked:

1. The business shall be carried on only in the place designated in the license.

2. The license or a certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No machine gun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the descriptions and serial numbers of the weapons purchased, the number and date of issue of the purchaser's permit, if any, and the signature of the purchaser or purchasing agent. This record shall be open to the inspection of any peace officer or other person designated by the Superintendent of the Bureau of Criminal Identification and Investigation.

Chapter 3. Pistols

Register of purchasers

12350. Every person engaged in the business of selling pistols other than those defined in Section 12001 of this code at retail shall keep a register in which shall be entered the name, age, occupation and residence (if residing in a city then the street number of such residence) of each and every purchaser of such pistols, together with the number or other mark of identification if any on pistol, which register shall be open to the inspection of all peace officers at all times.

Penalty

12351. Every person violating any of the provisions of this chapter is guilty of a misdemeanor and on conviction shall be fined a sum not to exceed fifty dollars ($50), or in default of

the payment of the fine shall be imprisoned in the county jail not to exceed one day for each two dollars of the fine.

CHAPTER 4. TEAR GAS WEAPONS

Article 1. General Provisions

"Shell, cartridge or bomb"

12400. "Shell, cartridge or bomb" as used in this chapter shall apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

"Tear gas"

12401. "Tear gas" as used in this chapter shall apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

"Weapon designed for the use of such shell, cartridge or bomb"

12402. The term "weapon designed for the use of such shell, cartridge or bomb" as used in this chapter shall apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

Exemptions

12403. Nothing in this chapter shall prohibit police departments and regular salaried members thereof, sheriffs, and their regular salaried deputies or the military or naval forces of this State or of the United States from purchasing, possessing or transporting shells, cartridges or bombs for official use in the discharge of their duties.

Article 2. Unlawful Possession and Sale

Sale, etc., of tear gas bomb, etc Penalty

12420. Any person, firm or corporation who within this State knowingly sells or offers for sale, possesses or transports any form of shell, cartridge, or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed two years or by a fine not to exceed two thousand dollars ($2,000), or by both.

Name of manufacturer, serial number

12421. Each tear gas weapon sold, transported or possessed under the authority of this chapter shall bear the name of the manufacturer and a serial number applied by him.

Changing, altering etc., name Penalty

12422. Any person who changes, alters, removes or obliterates the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon is guilty of a public offense and, upon conviction, shall be punished by imprisonment in the state prison for not more than two years or by a fine of not more than two thousand dollars ($2,000) or by both.

Possession of any such weapon upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same.

Article 3 Permits

Permit for possession etc

12423. The Chief of the Bureau of Criminal Identification and Investigation may issue a permit for the possession and transportation of shells, cartridges, bombs or weapons upon proof that good cause exists for the issuance thereof to the applicant for such permit The permit may also allow the applicant to install, maintain and operate a protective system involving the use of shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit

Applications

12424. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which the shells, cartridges, bombs or weapons are to be transported, kept, installed or maintained.

If the shells, cartridges, bombs or weapons are to be used in connection with or to constitute a protective system, the application shall also contain the name of the person who is to install the protective system.

Applications and permits shall be uniform throughout the State upon forms prescribed by the Bureau of Criminal Identification and Investigation

Permit open for inspection

12425. Every person, firm or corporation to whom a permit is issued shall either carry the permit upon his person or keep it in the place described in the permit. The permit shall be open to inspection by any peace officer or other person designated by the authority issuing the permit

Revocation

12426. Permits issued in accordance with this article may be revoked by the issuing authority at any time when it appears that the need for the possession or transportation of the shells, cartridges, bombs, weapons or protective system involving the use thereof, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of the shells, cartridges, bombs or weapons or the permit issued.

Article 4. Licenses to Sell

License to sell shells, etc

12435. The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of shells, cartridges, bombs or weapons subject to the following conditions upon breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or certified copy thereof shall be displayed on the premises in a place where it may easily be read.

3. No shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this chapter. No protective system involving the use of shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of the system.

4. A complete record shall be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons, is displayed to the seller and the information required by this section is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the Chief of the Bureau of Criminal Identification and Investigation

CHAPTER 5. FIREARM DEVICES

Article 1 General Provisions

"Silencer"

12500. The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

Exemption

12501. Nothing in this chapter shall prohibit any city or county, state or federal officer, or the military or naval forces of this State or of the United States from possessing silencers for official use in the discharge of their duties.

Article 2. Unlawful Possession of Firearm Silencers

Possession Penalty

12520. Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars ($5,000) or by both.

Repeal

SEC. 2. The following acts are repealed:

Year	Chapter	Page
1909	110	163
1923	339	695
1927	552	938
1931	470	1031
1933	39	329

CHAPTER 37

An act to codify certain acts, relating to rights in property and duties with respect thereto, by adding Sections 841.4, 2811, 3090.5, and 3342 to the Civil Code; Chapter 2.5, comprising Sections 730 to 730.15, inclusive, to Title 2 of Part 1 of Division 2 of said code; Article 3C, comprising Sections 1858.90 to 1858.93, inclusive, to Chapter 2 of Title 3 of Part 4 of Division 3 of said code; and by repealing certain acts specified herein.

In effect September 9, 1953

[Approved by Governor March 28, 1953. Filed with Secretary of State March 30, 1953.]

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

SECTION 1. Chapter 2.5, comprising Sections 730 to 730.15, inclusive, is added to Title 2, Part 1, Division 2 of said code, to read:

CHAPTER 2.5. PRINCIPAL AND INCOME LAW

Short title

730. This chapter may be cited as the Principal and Income Law.

Exception

730.01. Nothing in this chapter shall affect the provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law.

Application of chapter

730.02. This chapter shall apply to all transactions by which a principal shall be established which become legally effective on or after September 13, 1941. It shall also apply to all revocable trusts existing on and prior to that date and to all other trusts to the extent to which they may be at that or any later time amendable by the settlor in respect to matters covered by this chapter. The provisions of such trusts inconsistent with the provisions of this chapter shall govern to the extent provided in Section 730.04.

"Principal"

730.03. "Principal" as used in this chapter means any realty or personalty which has been so set aside or limited by the owner thereof or a person thereto legally empowered that it and any substitutions for it are eventually to be conveyed, delivered or paid to a person, while the return therefrom or use thereof or any part of such return or use is in the meantime to be taken or received by or held for accumulation for the same or another person;

"Income"

"Income" as used in this chapter means the return derived from principal;

"Tenant"

"Tenant" as used in this chapter means the person to whom income is presently or currently payable, or for whom it is accumulated or who is entitled to the beneficial use of the principal presently and for a time prior to its distribution;

"Remainderman"

"Remainderman" as used in this chapter means the person ultimately entitled to the principal, whether named or designated by the terms of the transaction by which the principal was established or determined by operation of law;

"Trustee" as used in this chapter includes the original trustee of any trust to which the principal may be subject and also any succeeding or added trustee. "Trustee"

730.04. This chapter shall govern the ascertainment of income and principal and the apportionment of receipts and expenses between tenants and remaindermen in all cases where a principal has been established with or, unless otherwise stated hereinafter, without the interposition of a trust; except that in the establishment of the principal provision may be made touching all matters covered by this chapter, and the person establishing the principal may himself direct the manner of ascertainment of income and principal and the apportionment of receipts and expenses or grant discretion to the trustee or other person to do so, and such provision and direction, where not otherwise contrary to law, shall control notwithstanding this chapter. The exercise by the trustee or other designated person, of such discretionary power if in good faith and according to his best judgment, shall be conclusive, irrespective of whether it may be in accordance with the determination which the court having jurisdiction would have made. Ascertainment of principal and income, apportionment of receipts and expenses

730.05. (1) All receipts of money or other property paid or delivered as rent of realty or hire of personalty, or interest on money loaned, or interest on or the rental or use value of property wrongfully withheld or tortiously damaged, or otherwise in return for the use of principal, shall be deemed income unless otherwise expressly provided in this chapter. Dividends on corporate shares, payable in stock or otherwise, shall be deemed income except as provided in Section 730.07. Income principal

(2) All receipts of money or other property paid or delivered as the consideration for the sale or other transfer, not a leasing or letting, of property forming a part of the principal, or as a repayment of loans, or in liquidation of the assets of a corporation, or as the proceeds of property taken on eminent domain proceedings where separate awards to tenant and remainderman are not made, or as proceeds of insurance upon property forming a part of the principal except where such insurance has been issued for the benefit of either tenant or remainderman alone, or otherwise as a refund or replacement or change in form of principal, shall be deemed principal unless otherwise expressly provided in this chapter. Any profit or loss resulting upon any change in form of principal shall inure to or fall upon principal, except in the case of property referred to and defined by Section 730.14, in which case the provisions of Section 730.14 shall govern.

(3) All income after payment of expenses properly chargeable to it shall be paid and delivered to the tenant or retained by him if already in his possession or held for accumulation where legally so directed by the terms of the transaction by which the principal was established; while the principal shall be held for ultimate distribution as determined by the terms of the transaction by which it was established or by law, except

in the case of property referred to and defined by Section 730.14, in which case the provisions of Section 730 14 shall govern.

Right to income terminated, division of payments

730 06. Whenever a tenant's right to income shall cease by death, or in any other manner, all payments theretofore actually paid to the tenant or in the hands of the trustee for payment to the tenant shall belong to the tenant or to his personal representative; all income actually received by the trustee after such termination shall be paid to the person next entitled to income by the terms of the transaction by which the principal was established.

Shares of corporation

730 07. (1) All dividends on shares of a corporation forming a part of the principal which are payable

(a) In shares of the declaring corporation of the same kind and rank as the shares on which such dividend is paid; and

(b) In shares of the declaring corporation of a different kind or rank to the extent that they represent a capitalization of surplus not derived from earnings, shall be deemed principal.

Subject to the provisions of this section, all dividends, other than those awarded to principal under (a) and (b) above, including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income.

Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee.

(2) All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in such corporation, and the proceeds of any sale of such rights, shall be deemed principal. All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in another corporation, and the proceeds of any sale of such rights shall be deemed income.

(3) Where the assets of a corporation are liquidated, amounts paid upon corporate shares as cash dividends declared before such liquidation occurred or as arrears of preferred or guaranteed dividends shall be deemed income; all other amounts paid upon corporate shares on disbursement of the corporate assets to the stockholders shall be deemed principal. All disbursements of corporate assets to the stockholders, whenever made, which are designated by the corporation as a return of capital or division of corporate property shall be deemed principal.

(4) Where a corporation succeeds another by merger, consolidation or reorganization or otherwise acquires its assets, and the corporate shares of the succeeding corporation are issued to the shareholders of the original corporation in like proportion to, or in substitution for, their shares of the original corporation, the two corporations shall be considered a single corporation in applying the provisions of this section. But two

corporations shall not be considered a single corporation under this section merely because one owns corporate shares of or otherwise controls or directs the other.

(5) In applying this section the date when a dividend accrues to the person who is entitled to it shall be held to be the date specified by the corporation as the one on which the stockholders entitled thereto are determined, or in default thereof the date of declaration of the dividend.

(6) The trustee or tenant may rely upon the statement of the paying corporation as to whether dividends are paid from profits or earnings or are a return of capital or division of corporate property, and as to any other fact, relevant under any provision of this chapter, concerning the source or character of dividends or disbursements of corporate assets.

Bonds, obligations for payment of money

730.08. Where any part of the principal consists of bonds or other obligations for the payment of money, they shall be deemed principal at their inventory value as fixed by the appraiser or appraisers regularly appointed by the court, or, in default thereof, at their market value at the time the principal was established, or at their cost where purchased later, regardless of their par or maturity value; and upon their respective maturities or upon their sale or other disposition any loss or gain realized thereon shall fall upon or inure to the principal, except in the case of property referred to and defined by Section 730.14, in which case the provisions of Section 730.14 shall govern. Where any part of the principal consists of a bond or other obligation for the payment of money, bearing no stated interest but redeemable at maturity or a future time at an amount in excess of the amount in consideration of which it was issued, such accretion, as when realized, shall inure to income.

Trustee or tenant authorized to use principal

730.09. (1) Whenever a trustee or a tenant is authorized by the terms of the transaction by which the principal was established or by law, to use any part of the principal in the continuance of a business which the original owner of the property comprising the principal had been carrying on, the net profits of such business attributable to such principal shall be deemed income

(2) Where such business consists of buying and selling property, the net profits for any period shall be ascertained by deducting from the gross returns during and the inventory value of the property at the end of such period, the expenses during and the inventory value of the property at the beginning of such period.

(3) Where such business does not consist of buying and selling property, the net income shall be computed in accordance with the customary practice of such business, but not in such way as to decrease the principal.

(4) Any increase in the value of the principal used in such business shall be deemed principal, and all losses in any one calendar year, after the income from such business for that year has been exhausted, shall fall upon principal.

Animals employed in business.

730.10. Where any part of the principal consists of animals employed in business, the provisions of Section 730.09 shall apply; and in other cases where the animals are held as a part of the principal partly or wholly because of the offspring or increase which they are expected to produce, all offspring or increase shall be deemed principal to the extent necessary to maintain the original number of such animals and the remainder shall be deemed income; and in all other cases such offspring or increase shall be deemed income.

Timber, minerals, etc.

730.11. (1) Where any part of the principal consists of property in lands from which may be taken timber, minerals, oils, gas or other natural resources, and the trustee or tenant in possession is not under a duty to change the form of the investment of the principal, or (the duty to change the form of the investment being absent) is authorized by law or by the terms of the transaction by which the principal was established, to lease or otherwise develop such natural resources, and no provision is made for the disposition of the net proceeds thereof after the payment of expenses and carrying charges on such property, such proceeds shall be deemed income, whether received as rent or bonus on a lease or as a consideration, by way of royalties or otherwise for the permanent severance of such natural resources from the lands. A duty to change the form of the investment shall be negatived, and authority to develop such natural resources shall be deemed to exist (not excluding other cases where appropriate intent is manifested) where (a) the resources or the right to exploit them is specifically devised or granted, or (b) where development or exploitation of the resources had begun prior to the transaction by which the principal was established, or (c) where by the terms of that transaction a general authority to lease or otherwise develop is conferred, or (d) where the lands are directed to be retained. The fact that such property where held in trust and received from the testator or settlor does not fall within the category of investments which the trustee would be authorized to make under the law or the terms of the particular trust, nor the conferring of a mere authority, as distinguished from a direction, to sell such property, shall not be deemed to evidence an intent that the form of the investment shall be changed.

(2) Where any part of the principal consists of property in lands containing such natural resources, and the conditions under which the proceeds thereof become income shall not exist, then in the absence of the expression of contrary intent in the terms of the transaction by which the principal was established, all such proceeds from such resources, not in excess of 5 per centum per annum of the inventory value of such resources as fixed by the appraiser or appraisers regularly appointed by the court, or in default thereof their fair market value at the time the principal was established, or their cost if acquired later, shall be deemed income and the remainder principal.

(3) Nothing in this section shall be construed to abrogate or extend any right which may otherwise have accrued by law to

a tenant to develop or work such natural resources for his own benefit.

Property subject to depletion

730.12. Where any part of the principal consists of property subject to depletion, such as leaseholds, patents, copyrights and royalty rights, and the trustee or tenant in possession is not under a duty to change the form of the investment of the principal, the full amount of rents, royalties or income from the property shall be income to the tenant; but where the trustee or tenant is under a duty to change the form of the investment, either at once or as soon as a reasonable price, not representing an undue sacrifice of value, may be obtained, then the rents, royalties or income from such property not in excess of 5 per centum per annum of its inventory value as fixed by the appraiser or appraisers regularly appointed by the court, or in default thereof its market value at the time the principal was established, or at its cost where purchased later, shall be deemed income and the remainder principal.

Unproductive property in trustee's possession

730.13. (1) Where any part of a principal in the possession of a trustee consists of realty or personalty which for more than a year and until disposed of as hereinafter stated has not produced an average net income of at least 1 per centum per annum of its inventory value as fixed by the appraiser or appraisers regularly appointed by the court, or in default thereof its market value at the time the principal was established or of its cost where purchased or otherwise acquired later, and the trustee is under a duty to change the form of the investment as soon as a reasonable price, not representing an undue sacrifice of value, may be obtained and such change is delayed, but is made before the principal is finally distributed, then the tenant shall be entitled to share in the net proceeds received from the property as delayed income to the extent hereinafter stated.

(2) Such income shall be the difference between the net proceeds received from the property and the amount which, had it been placed at simple interest at the rate of 5 per centum per annum for the period during which the change was delayed, would have produced the net proceeds at the time of change, but in no event shall such income be more than the amount by which the net proceeds exceed the inventory value of the property as fixed by the appraiser or appraisers regularly appointed by the court, or in default thereof its market value at the time the principal was established or its cost where purchased later. The net proceeds shall consist of the gross proceeds received from the property less any expenses incurred in disposing of it and less all carrying charges which have been paid out of principal during the period while it has been unproductive.

(3) The change shall be taken to have been delayed from the time when the duty to make it first arose, which shall be presumed in the absence of evidence to the contrary, to be one year after the trustee first received the property if then unproductive, otherwise one year after it became unproductive.

(4) If the tenant has received any income from the property or has had any beneficial use thereof during the period while

the change has been delayed, his share of the delayed income shall be reduced by the amount of such income received or the value of the use had.

(5) As between successive tenants, or a tenant and a remainderman, delayed income shall be apportioned in the same manner as provided for income by Section 730.06.

Obligations for payment of money in trustee's possession

730 14. (1) Where any part of the principal in possession of the trustee consists of an obligation for the payment of money secured by a mortgage or other hypothecation of real or personal property, and by reason of the enforcement of such obligation or by agreement in lieu of enforcement the trustee acquires any property, real or personal, of whatsoever kind, including a money judgment, said property shall be treated as a single substituted asset, and thereafter all income therefrom, expenses incident thereto and proceeds received upon sale, satisfaction or transfer thereof, not a leasing or letting, excepting gain or profit on such sale, satisfaction or transfer, shall be apportioned in the same manner as provided by this chapter for property of like character acquired by purchase or held as a part of the trust estate at the time the principal was established.

Gain or profit realized on sale, satisfaction or transfer, not a leasing or a letting, of property referred to in this section shall be credited to the income in an amount up to but not exceeding the accrued unpaid interest on the original obligation secured by said property as of the date of its acquisition by enforcement of the obligation or agreement in lieu thereof and the balance shall be credited to principal. Said credit to income on account of accrued interest shall be in addition to any and all other credits due income by the terms of any other section of this chapter. Should any portion of said credit to income on account of accrued interest be in a form other than cash, then and in that event the full amount of such credit to income shall be paid first out of any sums received from the conversion of said asset into cash whether by payment, sale or transfer before any sums so received shall be paid to principal.

Successive tenants, etc

As between successive tenants or a tenant and a remainderman, all sums paid hereunder on account of accrued interest shall be apportioned in the same manner as provided for income by Section 730.06.

The cost price of the property to the trust shall be the unpaid balance of the principal sum of the debt secured by said property, plus all sums whenever paid on any of the following items:

1. All costs, charges and expenses incident to the acquisition of said property;

2. All taxes, bonds and assessments, or any of them, which were payable at the date of the acquisition of said property by trustee, excepting, however, interest accruing thereon from the date of the acquisition of said property by trustee; and all said sums shall be a charge against principal.

(2) Upon the sale, surrender or other disposition of a bond, debenture, note or other evidence of an indebtedness, voluntarily created, or of a certificate of deposit evidencing the deposit

of any such instrument with a protective of reorganization committee, or of stock or other security received through participation in the enforcement of such obligation or the foreclosure of the security therefor, upon which bond or other obligation there is overdue unpaid interest which accrued during the existence of the trust, the proceeds realized upon such sale, surrender or other disposition, after repayment (1) of expenses incurred in connection therewith and (2) of any sums paid to protect or preserve such security, shall be divided pro rata between income and principal, computing interest at the rate specified in such obligation. The amount allocable to income shall in no case exceed the interest accrued and unpaid on the original obligation up to the time of such sale or other disposition or, where another security has been received in lieu of the original obligation, the income which would have accrued on the latter up to such time, less income received from the original or the substituted security. The terms sale, surrender or other disposition, as above used, shall include compromise, settlement, accord and satisfaction, and similar arrangements.

Ordinary expenses

730.15 (1) All ordinary expenses incurred in connection with the trust estate or with its administration and management, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the estates of both tenant and remainderman, interest on mortgages on the principal, ordinary repairs, compensation of assistants and court costs on regular accountings, except attorneys' fees and trustees' compensation, shall be paid out of income. But such expenses where incurred in disposing of, or as carrying charges on, unproductive estate as defined in Section 730.13, shall be paid out of principal, subject to the provisions of subsection (2) of Section 730.13. Attorneys' fees for ordinary or current services and trustees' compensation for both ordinary and extraordinary services, exclusive of compensation for acceptance or distribution, shall be paid one-half out of income, one-half out of principal, or in such other proportion as the court may direct; except that in the case of testamentary trusts where on any current trustees' accounting there are found to be insufficient principal moneys available for the payment of trustees' compensation, the court may direct that for such period the whole or any part of such compensation shall be paid out of any income available, subject to such conditions, if any, relative to reimbursement out of principal as the court may direct.

Trustees' compensation

(2) The trustees' compensation upon or for acceptance or distribution of principal, attorneys' fees and other costs incurred in maintaining or defending any action to protect the trust or the property or assure the title thereof, unless due to the fault or cause of the tenant, costs of, or assessments for, improvements to property forming part of the principal, brokers' commissions, title charges and other costs (exclusive of trustees' compensation, if any) incurred in connection with purchasing, selling or leasing trust property, or investing or reinvesting

principal, and all other expenses, except as specified in subsection (1) of this section, shall be paid out of principal. Any tax levied by any authority, federal, state or foreign, upon profit or gain defined under the terms of subsection (2) of Section 730.05 shall be paid out of principal, notwithstanding said tax may be denominated a tax upon income by the taxing authority.

Allocation of expenses

(3) The trustee may allocate expenses which are payable out of income throughout an entire year or part thereof, or throughout a series of years. Unless the trustee shall make such allocation over a period of time in accordance with the foregoing provisions, the expenses shall be considered to have accrued as of the date when they shall become due and payable. In cases where such allocation of expenses shall be made over a period of time, and where the right of the tenant ends during the period, the expenses shall be apportioned between tenant and remainderman on the basis of such allocation.

SEC. 2. Section 841.4 is added to said code, to read:

Malicious erection or maintenance of fence

841.4. Any fence or other structure in the nature of a fence unnecessarily exceeding 10 feet in height maliciously erected or maintained for the purpose of annoying the owner or occupant of adjoining property is a private nuisance. Any owner or occupant of adjoining property injured either in his comfort or the enjoyment of his estate by such nuisance may enforce the remedies against its continuance prescribed in Title 3, Part 3, Division 4 of this code.

SEC. 3. Article 3C, comprising Sections 1858.90 to 1858.93, inclusive, is added to Chapter 2, Title 3, Part 4, Division 3 of said code, to read:

Article 3C. Warehouse Receipts for Goods Out-of-state

Issue etc. of warehouse receipts for goods stored in another state

1858.90. A corporation, firm, or person, and its or his agents or employees shall not issue, sell, pledge, assign, or transfer in this State any receipt, certificate, or other written instrument purporting to be a warehouse receipt, or in the similitude of a warehouse receipt, or designed to be understood as a warehouse receipt, for goods, wares, or merchandise stored or deposited, or claimed to be stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate, or other written instrument has been issued by the warehouseman operating such warehouse.

Knowledge no warehouse exists

1858.91. A corporation, firm, or person, and its or his agents or employees shall not issue, sell, pledge, assign, or transfer in this State any receipt, certificate, or other written instrument for goods, wares, or merchandise claimed to be stored or deposited, in any warehouse, public or private, in any other state, knowing that there is no such warehouse located at the place named in such receipt, certificate, or other written instrument, or if there is a warehouse at such place knowing that there are no goods, wares, or merchandise stored or deposited therein as specified in such receipt, certificate, or other written instrument.

1858.92. A corporation, firm, or person, and its or his agents or employees shall not issue, sign, sell, pledge, assign, or transfer in this State any receipt, certificate, or other written instrument evidencing, or purporting to evidence, the sale, pledge, mortgage, or bailment of any goods, wares, or merchandise stored or deposited, or claimed to be stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate, or other written instrument plainly designates the number and location of such warehouse and contains a full, true, and complete copy of the receipt issued by the warehouseman operating the warehouse in which such goods, wares, or merchandise is stored or deposited, or is claimed to be stored or deposited. This section shall not apply to the issue, signing, sale, pledge, assignment, or transfer of bona fide warehouse receipts issued by the warehouseman operating public or bonded warehouses in other states according to the laws of the state in which such warehouses are located.

Issue, etc., of receipt, etc., of goods stored out of state

Exemptions

1858.93. Every corporation, firm, person, agent, or employee, who knowingly violates any of the provisions of this article is guilty of a misdemeanor, and shall be fined not less than fifty dollars ($50) nor more than one thousand dollars ($1,000), and may in addition be imprisoned in the county jail for not exceeding six months.

Penalty

SEC. 4. Section 2811 is added to said code, to read:

2811. Any party required to give a bond undertaking or other obligation may agree with his surety for the deposit of any money and assets for which the surety is responsible with a bank, savings bank, safe deposit, or trust company authorized by law to do business as such, or other depository approved by the court or a judge thereof, if such deposit is otherwise proper, for the safekeeping of such money and assets and in such manner as to prevent the withdrawal of any or all such money and assets without the written consent of the surety, or an order of court or a judge thereof, made on such notice to the surety as the court or judge may direct. Such agreement shall not in any manner release, or change the liability of, the principal or surety as established by the terms of the bond.

Deposit of money by bonded fiduciaries

SEC. 5. Section 3090.5 is added to said code, to read:

3090.5. Bonds payable to bearer or holder shall be negotiable, notwithstanding any condition contained in the bonds, or in the mortgage, deed of trust, or other instrument securing them.

Bonds negotiable

SEC. 6. Section 3342 is added to said code, to read:

3342. The owner of any dog is liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, including the property of the owner of the dog, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness. A person is lawfully upon the private property of such owner within the meaning of this section when he is on such property in the performance of any duty imposed upon him by the laws of this State or by the laws or postal regulations of the United States,

Liability of dog owners

or when he is on such property upon the invitation, express or implied, of the owner.

Repeal

SEC. 7. The following acts are repealed:

Year	Chapter	Page
1905	307	322
1913	197	342
1915	728	1438
1921	344	471
1931	503	1095
1941	898	2476

CHAPTER 38

An act to add Section 506 to the Fish and Game Code, relating to the creation of a junior fishing reserve in part of Fish and Game District 1½, and declaring the urgency thereof.

In effect immediately

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 506 is added to the Fish and Game Code, to read:

Unlawful acts

506. In that part of District 1½ comprising the waters of Francis Creek, Rees Creek, and Williams Creek it is unlawful for any person over the age of 14 to take any fish. No more than 10 fish may be taken and possessed from said creeks during one day. It is the purpose of this section to create of those waters a junior fishing reserve for young people so that they may practice the art of angling without interference with, or being interfered with by, licensed sporting fishermen and others during lawful fishing seasons.

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 the smaller communities of this State there is very little to offer youth in the way of recreational facilities and thus the problem of combating juvenile delinquency is immeasurably increased. To help combat this growing problem, it is immediately necessary to make certain of the State's natural resources and recreational facilities more available to the California youth by declaring certain areas to be junior fishing reserves which may be used only by the youth of California.

CHAPTER 39

An act to add Section 9130.5 to the Government Code, relating to claims against the contingent funds of the Assembly and Senate.

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 9130.5 is added to the Government Code, to read:

9130.5. Notwithstanding any provision to the contrary, on any claim against the Senate Contingent Fund or the Assembly Contingent Fund there may be a certification under penalty of perjury in lieu of an affidavit, and any individual who wilfully makes and subscribes such certificate to a claim which he knows to be false as to any material matter shall be guilty of a felony and upon conviction thereof shall be subject to the penalties prescribed for perjury by the Penal Code.

Certified claim False subscription

Penalty

CHAPTER 40

An act to amend Section 13399 of, and to add Section 13399.5 to, the Health and Safety Code of California, relating to the installation and operation of dry-cleaning machines employing chlorinated hydrocarbon types of cleaning solvent.

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 13399 of the Health and Safety Code is amended to read as follows:

13399. Except when operations are performed as provided in Section 13398 of this code, no person shall operate a clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry cleaning unless:

Volatile cleaning fluids

(a) All of the dry-cleaning, drying, and deodorizing processes are performed in a single room or compartment designed and ventilated in such a manner that dangerous toxic concentrations of vapors will not accumulate in working areas or,

(b) The dry-cleaning processes are performed in approved fluid tight machines or apparatus designed, installed and operated in a manner that will prevent the escape of dangerous toxic concentrations of vapors to the working areas.

SEC. 2. Section 13399.5 is added to said code, to read:

13399.5. A concentration of chlorinated hydrocarbon vapor, as determined by the Halide torch test, in excess of the maxi-

Dangerously toxic concentration

mum allowable concentrations set forth below shall be considered as being a "dangerously toxic concentration." Carbon tetrachloride — 50 parts per million. Perchlorethylene — 100 parts per million. Trichlorethylene — 100 parts per million.

CHAPTER 41

An act to amend Section 1677 of the Insurance Code, relating to certificates of convenience to act as insurance agent or solicitor.

In effect September 9 1953

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 1677 of the Insurance Code is amended to read:

Failure to take examination

1677. Failure by an applicant to take the examination pursuant to notification by the commissioner of time and place of the examination constitutes a failure to fulfill the examination requirements. Upon failure by the holder to fulfill examination requirements, all privileges under any certificate of convenience shall terminate. In such case, also, the commissioner may require the cancellation of any or all contracts of insurance transacted by or through such applicant under authority of his certificate of convenience.

CHAPTER 42

An act to amend Section 1731 of the Insurance Code, relating to insurance licenses.

In effect September 9, 1953

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 1731 of the Insurance Code is amended to read:

Grounds for license suspension or revocation

1731. The commissioner may suspend or revoke any license of an insurance agent, broker, or solicitor, life agent, surplus line broker or motor club agent if, after a hearing upon reasonable notice, he determines that any of the following facts exist in respect to any person authorized to act under such license:

(a) Such person has violated any provision of law relating to conduct of business which could lawfully be done only under authority conferred by such license.

(b) Such person has knowingly or wilfully made a misstatement in an application to the commissioner for a license or a renewal thereof or in a notice to keep it in force or in a document filed in support of such an application, has obtained

his license by concealment or knowing misrepresentation, or has made a false statement in testimony given under oath before the commissioner or any other person acting in his stead.

(c) The purpose of obtaining such license was to evade or prevent the enforcement of any provision of this code or other insurance laws.

(d) Such person has engaged in a fraudulent practice or act or conducted his business in a dishonest manner.

(e) Such person has shown incompetency or untrustworthiness in the conduct of his business or has by commission of a wrongful act or practice in the course of his business exposed the public or those dealing with him to the danger of loss.

(f) Such person has knowingly misrepresented the terms or effect of an insurance policy or contract while acting in the course of his business

(g) Such person has failed to perform a duty expressly enjoined upon him by a provision of this code, or has committed an act expressly forbidden by such a provision.

(h) Such person has committed a public offense, shown by a final judgment of conviction, having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody, or payment of money or property Upon any conviction of such offense, the commissioner may suspend the license of the person so convicted until the judgment is made final or other final judgment issues.

(i) Such person has aided or abetted any person in an act or omission which would constitute grounds for suspension, revocation, or refusal of license to the person aided or abetted.

(j) Such person has permitted any person in his employ to violate any provision of this code.

Proceedings

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

CHAPTER 43

An act to amend Section 123 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

[Approved by Governor April 1, 1953 Filed with Secretary of State April 2, 1953]

In effect September 9, 1953

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

SECTION 1. Section 123 of the Welfare and Institutions Code is amended to read:

Report to Governor

123. Two months prior to each annual session of the Legislature, the department shall make a full and complete report to the Governor of all its transactions during the preceding year, showing specifically all expenses incurred and moneys paid out by it, with suggestions and recommendations for legislative and executive action.

Director's annual reports

The Social Welfare Board may require the director to submit general annual reports, or special reports at any time on any phase of the work of the department, to the board.

CHAPTER 44

An act to amend Section 6101 of the Business and Professions Code, relating to disbarment or suspension of attorneys.

In effect September 9, 1953

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 6101 of the Business and Professions Code is amended to read:

Crimes involving moral turpitude

6101. Conviction of a felony or misdemeanor, involving moral turpitude, constitutes a cause for disbarment or suspension as provided in Section 6102.

The record of conviction shall be conclusive evidence and the clerk of the court in which the conviction is had shall, within 30 days thereafter, transmit a certified copy of the record of conviction to the Supreme Court. The proceedings to disbar or suspend an attorney shall be undertaken by the court upon the receipt of the certified copy of the record of conviction.

Conviction

A plea or verdict of guilty or a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

CHAPTER 45

An act to amend Section 802 of the Insurance Code, relating to insurance.

In effect September 9, 1953

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 802 of the Insurance Code is amended to read:

Agent must countersign

802. Such agent shall countersign all such policies or renewals thereof.

Receipt of premium

Any commission paid or allowed on such premium must be received by an admitted insurer or a licensed agent, broker, or solicitor

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CHAPTER 46

An act to amend Section 11069 of the Insurance Code, relating to fraternal benefit societies.

In effect September 9, 1953

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 11069 of the Insurance Code is amended to read:

11069. No domestic, foreign or alien society authorized to do business in this State shall issue or deliver in this State any certificate or other evidence of any contract for temporary or permanent disability benefits as a result of disease or accident, or for hospital, medical or nursing benefits, unless and until the form thereof, together with the form of application and all riders or endorsements for use in connection therewith, shall have been filed with the commissioner and approved by him as conforming to reasonable rules and regulations from time to time made by him and as not inconsistent with any other provisions of law applicable thereto. The commissioner shall, within a reasonable time after the filing of any such form, notify the society filing the same either of his approval or of his disapproval of such form. The commissioner may approve any such form which in his opinion contains provisions on any one or more of the several requirements made by him which are more favorable to the insured members than the one or ones so required. The action of the commissioner in disapproving any such form shall be subject to judicial review. Pursuant to the foregoing provisions, the commissioner shall have power, from time to time, to make, alter and supersede reasonable regulations prescribing the required, optional and prohibited provisions in such contracts, and such regulations shall conform, as far as practicable, to the provisions of this code relating to similar contracts issued by other insurers. Where the commissioner deems inapplicable, either in part or in their entirety, the provisions of this code relating to similar contracts issued by other insurers, he may prescribe the portions or summary thereof of the contract to be printed on the certificate issued to the member. All rules and regulations made, altered or superseded by the commissioner pursuant to the authority granted in this section shall be in accordance with Chapter 4 of Part 1, Division 3, Title 2 of the Government Code.

Approval of contract forms

CHAPTER 47

An act to codify the Meat Sellers Fair Competition Act by adding Section 363 to the Agricultural Code and repealing Chapter 382 of the Statutes of 1935, relating to the sale of meat.

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

In effect September 9, 1953

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

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

363. It is unlawful for any person to misrepresent the type, kind, or quality of a dressed carcass of any animal or part of such carcass, or the sex, age, or quality of any animal the meat of which is sold.

Misrepresentation of type, kind, etc.

SEC. 2. Chapter 382 of the Statutes of 1935 is repealed.

Repeal

CHAPTER 48

An act to codify Chapter 790 of the Statutes of 1931 and Chapter 273 of the Statutes of 1935, relating to fire protection, by adding Sections 13007, 13008, 13009, 13010, and 13052.5 to the Health and Safety Code, and repealing Chapter 790 of the Statutes of 1931 and Chapter 273 of the Statutes of 1935.

In effect September 9, 1953

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 13007 is added to the Health and Safety Code, to read:

Liability for fire damage

13007. Any person who personally or through another wilfully, negligently, or in violation of law, sets fire to, allows fire to be set to, or allows a fire kindled or attended by him to escape to, the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire.

SEC. 2. Section 13008 is added to said code, to read:

Same

13008. Any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire, is liable to the owner of such property for the damages to the property caused by the fire.

SEC. 3. Section 13009 is added to said code, to read:

Fire-fighting expenses a debt

13009. The expenses of fighting any fires mentioned in Sections 13007 and 13008 are a charge against any person made liable by those sections for damages caused by such fires. Such charge shall constitute a debt of such person, and is collectible by the person, or by the federal, state, county, or private agency, incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

SEC. 4. Section 13010 is added to said code, to read:

Cause of action accruing prior to August 14, 1931

13010. Sections 13007, 13008, and 13009 of this code do not apply to nor affect any rights, duties, or causes of action in existence and accruing prior to August 14, 1931.

SEC. 5. Section 13052.5 is added to said code, to read:

Fire protection contracts

13052.5. The governing board of any county fire protection district may contract with any city contiguous to the district for the furnishing of fire protection to the district by such city, and the legislative body of any city may contract for the furnishing of fire protection to the district in such manner and to such extent as the legislative body may deem advisable

Privileges and immunities

All of the privileges and immunities from liability which surround the activities of any city fire fighting force or department when performing its functions within the territorial limits of the city shall apply to the activities of any city fire fighting force or department while furnishing fire protection outside the city under any contract with a county fire protection district pursuant to this section.

Repeal

SEC. 5. Chapter 790 of the Statutes of 1931 and Chapter 273 of the Statutes of 1935 are repealed.

CHAPTER 49

An act to codify Chapter 290, Statutes of 1909, relating to warehouse receipts, by adding Article 3B, comprising Sections 1858.01 to 1858.85, inclusive, to Chapter 2, Title 3, Part 4, Division 3 of the Civil Code, and by repealing Chapter 290 of the Statutes of 1909.

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

In effect September 9, 1953

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

SECTION 1. Article 3B, comprising Sections 1858.01 to 1858.85, inclusive, is added to Chapter 2, Title 3, Part 4, Division 3 of the Civil Code, to read:

Article 3B. Warehouse Receipts Act

Short title

1858.01. This article may be cited as the Warehouse Receipts Act.

Exemptions

1858.02. The provisions of this article do not apply to receipts made and delivered prior to March 19, 1909.

Construction, interpretation

1858.03. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Definitions

1858.04. (1) In this article, unless the context or subject matter otherwise requires—

"Action" includes counterclaim, setoff, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means animate or inanimate chattels or merchandise in storage or in the custody of a warehouseman, or which has been or is about to be stored or deposited in the custody of a warehouseman.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by endorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership of two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

(z) A thing is done "in good faith" within the meaning of this article, when it is in fact done honestly, whether it be done negligently or not.

Cases not covered by article

1858.05. In any case not provided for in this article, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Warehouse receipts Issue

1858.10. Warehouse receipts may be issued by any warehouseman.

Contents

1858.11. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms—

(a) The location of the warehouse where the goods are stored,

(b) The date of issue of the receipt,

(c) The consecutive number of the receipt,

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order,

(e) The rate of storage charges,

(f) A description of the goods or of the packages containing them,

(g) The signature of the warehouseman, which may be made by his authorized agent,

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

Liability for omission

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

Additional terms and conditions

1858.12. A warehouseman may insert in a receipt, issued by him, any other terms and conditions; provided, that such terms and conditions shall not—

(a) Be contrary to the provisions of this article.

(b) In anywise impair his obligation to exercise that degree of care in the safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Nonnegotiable receipt

1858.13. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a nonnegotiable receipt.

Negotiable receipt

1858.14. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt. No pro-

vision shall be inserted in a negotiable receipt that is nonnegotiable. Such provision, if inserted, shall be void.

Duplicate negotiable receipts Identification

1858.15. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to anyone who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Identification of *nonnegotiable receipt*

1858.16. A nonnegotiable receipt shall have plainly placed upon its face by the warehouseman issuing it, "nonnegotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

Exceptions

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Duty to deliver goods

1858.17. A warehouseman, in the absence of some lawful excuse provided by this article, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

(a) An offer to satisfy the warehouseman's lien,

(b) An offer to surrender the receipt if negotiable with such endorsements as would be necessary for the negotiation of the receipt, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal

Who may receive goods

1858.18. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—

(a) The person lawfully entitled to the possession of the goods, or his agent,

(b) A person who is either himself entitled to delivery by the terms of a nonnegotiable receipt issued for the goods, or who has written authority from the person so entitled either endorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate endorsee.

Misdelivery warehouseman liable for conversion

1858.19. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the

goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivision he shall be so liable, if prior to such delivery he had either

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Liability for failure to cancel receipt

1858.20. Except as provided in Section 1858.59, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to anyone who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Part of goods delivered

1859.21. Except as provided in Section 1858.59, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to anyone who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Alteration of receipt

1858.22. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Loss or destruction of negotiable receipt

1858.23. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman

from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liabilities to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

"Duplicate" constitutes warranty if accurate copy

1858.24. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Title to goods as excuse for failure to deliver

1858.25. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Interpleader

1858.26. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for nondelivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

Right to refuse delivery

1858.27. If someone other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead. If such adverse claimant shall not bring suit and serve summons on the warehouseman within 48 hours after the service of notice of his adverse claim, such failure shall act as a complete abandonment of such adverse claim.

Right or title of third person as defense

1858.28. Except as provided in the two preceding sections and in Sections 1858.18 and 1858.59, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Damages for nonexistence, failure to correspond with receipt

1858.29. A warehouseman shall be liable to the holder of a receipt, issued by him or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of warehouse receipts, for damages caused by the nonexistence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of

its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purpose, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Loss due to negligence

1858 30. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Separation of goods to permit identification, etc

1858 31. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Exception Fungibles

1858.32. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Severally liable

1858.33. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Goods exempted from garnishment, etc

1858.34. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Court aid to creditor

1858.35. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction or otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Warehouseman's lien

1858 50. Subject to the provisions of Section 1858 53, a warehouseman shall have a lien on goods deposited by the owner or by the legal possessor of the property or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods, also for all lawful claims for money ad-

vanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien

Enforcement

1858.51. Subject to the provisions of Section 1858.53, a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person was in legal possession of the goods when they were deposited.

Lien is lost

1858 52. A warehouseman loses his lien upon goods—

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this article.

Exception

1858.53. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of Section 1858 50, although the amount of the charges so enumerated is not stated in the receipt.

Refusal to deliver

1858 54. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Creditor, debtor remedies available

1858 55. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Satisfaction of lien

1858.56. A warehouseman's lien for a claim which has become due may be satisfied as follows.

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue shall be paid on or before the day mentioned, not less than 10 days from the

delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than 15 days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least 10 days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this article, to the possession of the goods on payment of charges thereon Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Sale of perishables, etc to satisfy lien

1858.57. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of a failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof. The proceeds

of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Other remedies not precluded

1858.58. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Lawful sale eliminates liability to deliver

1858.59. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

Negotiable receipt Negotiated by delivery

1858.65. A negotiable receipt may be negotiated by delivery—

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent endorsee of the receipt has endorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been endorsed in blank or to bearer, any holder may endorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the endorsement of such endorsee.

Endorsement

1858.66. A negotiable receipt may be negotiated by the endorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such endorsement may be in blank, to bearer or to a specified person. If endorsed to a specified person, it may be again negotiated by the endorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

Transfer

1858.67. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A nonnegotiable receipt cannot be negotiated, and the endorsement of such a receipt gives the transferee no additional right.

Who may negotiate

1858.68. A negotiable receipt may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of such person or if at the time of negotiation the receipt is in such form that it may be negotiated by delivery.

Title, obligations acquired

1858.69. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good

faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Rights of person to whom receipt transferred

1858.70. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the receipt is nonnegotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a nonnegotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Transfer for value

1858.71. Where a negotiable receipt is transferred for value by delivery, and the endorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the endorsement is actually made.

Warranties by transferor, etc

1858 72. A person who for value negotiates or transfers a receipt by endorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

(a) That the receipt is genuine,

(b) That he has a legal right to negotiate or transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Endorser not liable for other endorsers, etc

1858.73. The endorsement of a receipt shall not make the endorser liable for any failure on the part of the warehouseman or previous endorsers of the receipt to fulfill their respective obligations.

Mortgagee, etc., does not warrant genuineness of receipt

1858.74. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall

not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Bona fide purchaser Negotiation a breach of duty, etc

1858.75. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the receipt was negotiated, or the person to whom the receipt was subsequently negotiated, paid value therefor in good faith without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress or conversion.

Subsequent negotiation

1858.76. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Seller's lien, etc

1858.77. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Issuance with knowledge goods not received Penalty

1858 80. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both.

Fraudulent issue Penalty

1858.81. A warehouseman, or any officer, agent, or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars ($1,000), or by both.

Issuing duplicate receipts Penalty

1858.82. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is

outstanding and uncanceled, without plainly placing upon the face thereof the word "duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in Section 1858.23, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both.

Receipt must state interest of warehouseman Penalty

1858.83. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction, shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars ($1,000), or by both.

Transfer of goods with knowledge of outstanding receipt Penalty

1858.84. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in Sections 1858.23 and 1858.59, be found guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars ($1,000), or by both.

Encumbered property deposited with intent to deceive Penalty

1858.85. Any person who deposits goods to which he has not title or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterward negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars ($1,000), or by both.

Repeal

SEC. 2. Chapter 290 of the Statutes of 1909 is repealed.

Effect

SEC. 3. This act shall not be effective if an act establishing a Uniform Commercial Code is enacted by the Legislature at its 1953 Regular Session and becomes effective.

CHAPTER 50

An act to codify Chapter 644 of the Statutes of 1865-1866, relating to competency of witnesses in criminal proceedings, by adding Section 1323.5 to the Penal Code, and repealing Chapter 644 of the Statutes of 1865-1866.

In effect September 9, 1953

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

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

SECTION 1. Section 1323.5 is added to the Penal Code, to read:

1323.5. In the trial of or examination upon all indictments, complaints, and other proceedings before any court, magistrate, grand jury, or other tribunal, against persons accused or charged with the commission of crimes or offenses, the person accused or charged shall, at his own request, but not otherwise, be deemed a competent witness. The credit to be given to his testimony shall be left solely to the jury, under the instructions of the court, or to the discrimination of the magistrate, grand jury, or other tribunal before which the testimony is given. Accused as competent witness

This section shall not be construed as compelling any such person to testify.

SEC. 2. Chapter 644 of the Statutes of 1865-1866 is repealed. Repeal

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CHAPTER 51

An act to codify certain acts, relating to the disposition of evidence subsequent to criminal cases, by adding Chapter 13 to Title 10 of Part 2 of the Penal Code, and repealing certain acts specified herein.

[Approved by Governor April 1, 1953. Filed with Secretary of State April 2, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 13 is added to Title 10 of Part 2 of the Penal Code, to read:

CHAPTER 13. DISPOSITION OF EVIDENCE IN CRIMINAL CASES

1417. All exhibits other than documentary which have been filed in any criminal action or proceeding may be disposed of as provided in this chapter. Disposal of exhibits other than documentary

1418. If the action or proceeding has resulted in conviction, the disposal of exhibits as provided for in this chapter may be made at any time after termination of one year after the conviction has become final. If the action or proceeding has not resulted in conviction, the court may, on application of the party entitled thereto, order such exhibits as may be released from the custody of the court without prejudice to the State delivered to such party at any time after the judgment or final determination of said action or proceeding has become final. In such cases, if the party entitled thereto is unknown, and in all other cases, the procedure shall be as follows: Time and manner

1. The court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the State. Upon receipt of such an order the clerk of the court shall post a notice conspicuously in three public places in the county referring to the order, describing briefly the exhibits which the court has ordered disposed of and fixing the date when and the place at which said exhibits will be offered for sale at public auction. The date fixed must be at least 20 days after the posting of the notice.

2. At any time prior to the time fixed for the auction the owner or any person entitled to the possession of any of said exhibits may obtain from the court an order returning them to him.

3. Articles not returned to their owners or to persons entitled to their possession at the time set for the auction shall be sold by the clerk to the highest bidder for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

4. All property offered for sale for which no bids have been received may be destroyed by the clerk or returned to the files. Where the exhibit consists of money or currency and is unclaimed at the time of the auction the clerk shall not offer it for sale but shall immediately upon the conclusion of the sale deposit it in the general fund of the county.

Exceptions

1419. The provisions of Section 1418 shall not apply to any dangerous or deadly weapons, narcotic or poison drugs, explosives, or any property of any kind or character whatsoever the possession of which is prohibited by law, used by a defendant in the commission of the crime of which he was convicted, or with which he was armed or which he had upon his person at the time of his arrest.

Any such property filed as an exhibit shall be, by order of the trial court, destroyed or sold or otherwise disposed of under the conditions provided in such order.

Repeal

SEC. 2. The following statutes are hereby repealed:

Chapter 269 of the Statutes of 1921 and Chapter 1265 of the Statutes of 1941.

CHAPTER 52

An act to codify certain acts, relating to civil actions and procedures, by adding Sections 410.1, 663 1, 663.2, 730, 731b, 1238.5, 1266.2, and 1855b to the Code of Civil Procedure; Chapter 3.5, comprising Sections 751.01 to 751.28, inclusive, Chapter 7, comprising Sections 830 to 836, inclusive, Chapter 8, comprising Sections 850 to 856, inclusive, to Title 10 of Part 2 of said code; Chapter 5, comprising Sections 1208.61 to 1208.70, inclusive, to Title 4 of Part 3 of said code; Title 10b, comprising Sections 1700 to 1706, inclusive, to Part 3 of said code; Article 2.1, comprising Sections 1928.1 to 1928.4, inclusive, and Article 4, comprising Sections 1953 to 1953.06, inclusive, to Chapter 3 of Title 2 of Part 4 of said code; and by repealing certain acts specified herein.

In effect September 9, 1953

[Approved by Governor April 1, 1953 Filed with Secretary of State April 2, 1953]

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

SECTION 1. Section 410.1 is added to the Code of Civil Procedure, to read:

Service of summons fee

410.1. In all civil actions when a summons or subpena is served by a person other than the sheriff, constable, or marshal,

the court issuing the process shall allow the person serving it such sum as it deems proper, not exceeding the amount allowed sheriffs by law.

SEC. 2. Section 663.1 is added to said code, to read:

663.1. The court may grant a new trial of any action or proceeding when all of the following conditions exist: New trial

(a) Any proposed bill of exceptions or statement of the case on motion for a new trial is lost or destroyed by reason of conflagration or other public calamity.

(b) No other record of the proceedings upon the trial thereof can be obtained.

(c) Such action or proceeding is subject to review by motion for new trial pending at the time of such loss or destruction.

(d) The court in which such action or proceeding is pending deems it impossible or impracticable to restore such proceedings and to settle a bill of exceptions or statement of the case containing such proceedings, so as to enable the court to review the judgment or order therein by motion for new trial.

(e) At the time of such loss or destruction a motion for new trial was pending.

In order to grant such new trial, it shall be unnecessary to have any bill of exceptions or statement of the case settled, but upon the facts recited in this section being shown to the satisfaction of the court by affidavit or otherwise, the court may grant such new trial.

SEC. 3. Section 663.2 is added to said code, to read:

663.2. Pending the hearing of a motion pursuant to Section 663.1 to grant a new trial, the time within which a bill of exceptions may be prepared, served, or presented for settlement shall be extended and shall not commence to run until the decision upon the motion. The motion must be made within 30 days after the loss or destruction of the records. Time for preparing, etc., bill of exceptions

SEC. 4. Section 730 is added to Chapter 1, Title 10, Part 2 of said code, to read:

730. In all cases of foreclosure of mortgage the attorney's fee shall be fixed by the court in which the proceedings are had, any stipulation in the mortgage to the contrary notwithstanding. Attorney's fee Foreclosure cases

SEC. 5. Section 731b is added to said code, to read:

731b. In any action or proceeding to abate the use of an airport or an airpark, proof that the airport or airpark has been in existence for three years constitutes a rebuttable presumption which shall be prima facie evidence that the operation of the airport or airpark does not constitute a nuisance. Abatement of airport, etc. Presumption no nuisance

SEC. 6. Chapter 3.5, comprising Sections 751.01 to 751.28, inclusive, is added to Title 10, Part 2 of said code, to read:

CHAPTER 3.5. ACTIONS TO RE-ESTABLISH DESTROYED LAND RECORDS

751.01. This chapter may be cited as the Destroyed Land Records Relief Law. Short title

751.02. Whenever the public records in the office of the county recorder of any county are lost or destroyed in whole Action in rem to establish title

or in any material part by flood, fire, earthquake, enemy attack, or from any other cause, any person who claims an estate of inheritance or for life in, and who is by himself, or his tenant or other person holding under him in the actual and peaceable possession of, any real property in the county may bring and maintain an action in rem against all the world, in the superior court for the county in which such real property is situate, to establish his title to such property and to determine all adverse claims thereto.

Venue

Such action may also be brought in the county in which the real property is situate if any real property is in another county, but was formerly in the county of which all or a material part of the records were so lost or destroyed, and if the lost or destroyed records included all or a material part of the public records in the office of the county recorder covering all or a material part of the time when the real property was in the county whose records were so lost or destroyed.

Separate parcels

751.03. Any number of separate parcels of land claimed by the plaintiff may be included in the same action.

Commencement of action Defendants

751.04. The action shall be commenced by the filing of a verified complaint. The party commencing the action shall be named as plaintiff, and the defendants shall be described as "all persons claiming any interest in, or lien upon, the real property herein described, or any part thereof." The complaint shall contain a statement of the facts enumerated in Section 751.02, a particular description of the real property, and a specification of the estate, title, or interest of the plaintiff in the property.

Summons Form

751.05. Upon the filing of the complaint, a summons shall be issued under the seal of the court The summons shall contain the name of the court and county in which the action is brought, and the name of the plaintiff and a particular description of the real property involved, and shall be directed to "all persons claiming any interest in, or lien upon, the real property herein described, or any part thereof," as defendants, and shall be substantially in the following form:

"IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY (OR CITY AND COUNTY) OF _____

_____, Plaintiff, vs. All Persons Claiming Any Interest in, or Lien Upon, the Real Property Herein Described or Any Part thereof, Defendants.	Action No. _____

The people of the State of California, to all persons claiming any interest in, or lien upon, the real property herein described, or any part thereof, defendants, greeting:

You are hereby required to appear and answer the complaint of _____, plaintiff, filed with the clerk of the above-entitled

court and county, within three months after the first publication of this summons, and to set forth what interest or lien, if any, you have in or upon that certain real property or any part thereof, situated in the County (or City and County) of_____, State of California, particularly described as follows: (here insert description.)

And you are hereby notified that, unless you so appear and answer, the plaintiff will apply to the court for the relief demanded in the complaint, to wit: (here insert a statement of the relief so demanded.)

Witness my hand and the seal of said court, this _____ day of _____, A.D._____.

(SEAL)

_____ _____, Clerk."

751.06 The summons shall be published in a newspaper of general circulation published in the county in which the action is brought. The newspaper in which publication is to be made shall be designated by an order of the court or a judge thereof to be signed and filed with the clerk. No other order for the publication of the summons shall be necessary, nor shall any affidavit therefor be required, nor need any copy of the complaint be served, except as required by this chapter. The summons shall be published pursuant to Section 6065 of the Government Code, and to each publication thereof shall be appended a memorandum in substance as follows: Publication

"The first publication of this summons was made in _____ (here insert name) newspaper on the _____ day of _____ A.D._____," (inserting the date).

751.07. If the affidavit provided for in Section 751.09 discloses the name of any person claiming an interest in the property or a lien thereon adverse to the plaintiff, that fact and the name and address, if given, of the person shall be stated in a memorandum to be appended to the summons in substance as follows: Persons claiming adverse interest

"The following persons are said to claim an interest in, or lien upon, said property adverse to plaintiff," (giving their names and addresses as above provided).

751.08. A copy of the summons and a copy of the memorandum shall be posted in a conspicuous place on each separate parcel of the property described in the complaint within 15 days after the first publication of the summons. Posting copy of summons, etc

751.09. At the time of filing the complaint the plaintiff shall file with it his affidavit fully and explicitly setting forth and showing: Plaintiff's affidavit

(a) The character of his estate, right, title, interest, or claim in, and possession of, the property, the period it has existed, and from whom obtained.

(b) Whether or not he has ever made any conveyance of all or any part of the property, or any interest therein, and if so when and to whom, and a statement of any and all subsisting mortgages, deeds of trust, and other liens thereon.

(c) That he does not know and has never been informed of any other person who claims or who may claim any interest in or lien upon all or any part of the property adversely to him, or if he does know or has been informed of any such person, the name and address of such person.

If the plaintiff is unable to state any of the required matters, he shall set forth and show fully and explicitly the reasons for such inability. Such affidavit shall constitute a part of the judgment-roll. If the plaintiff is a corporation, the affidavit shall be made by an officer thereof. If the plaintiff is a person under guardianship, the affidavit shall be made by his guardian.

Personal service on disclosed defendants

751.10. If the affidavit discloses the name of any person claiming any interest in or lien upon the property adverse to the plaintiff, the summons and a copy of the complaint and affidavit shall also be personally served upon such person if he can be found within the State. Service shall be made during the period of the publication of the summons. A copy of the memorandum provided for in Section 751.07 shall be appended to the copy of the summons delivered to any such person.

Out of State

If he resides out of the State, within 15 days after the first publication of the summons a copy of the summons, memorandum, complaint, and affidavit shall be deposited in the United States Post Office, enclosed in a sealed envelope, postage prepaid, addressed to him at the address given in the affidavit, or if no address is given, at the county seat of the county in which the action is brought. If he resides within the State and with due diligence cannot be found within the State within the period of publication of the summons, the copies shall be mailed to him as above provided forthwith upon the expiration of the period of publication.

Court has jurisdiction

751.11. Upon the completion of the publication and posting of the summons and its service upon and mailing to the persons upon whom it is directed to be specially served, the court has complete jurisdiction over the plaintiff and the property and the person of every one having or claiming any estate, right, title, or interest in or to, or lien upon, all or any part of the property, and shall be deemed to have obtained the possession and control of the property for the purposes of the action with complete jurisdiction to render the judgment provided for in this chapter.

Persons claiming estate, etc., party to action

751.12. At any time within three months after the first publication of the summons, or such further time not exceeding 30 days as the court for good cause may grant, any person having or claiming any estate, right, title, or interest in or to, or lien upon, all or any part of the property may appear and make himself a party to the action by pleading to the complaint. All answers must be verified and must specifically set forth the estate, right, title, interest, or lien so claimed.

Recording notice of action

751.13. At the time of filing the complaint the plaintiff, and at the time of filing his answer every defendant claiming any affirmative relief, must record in the office of the recorder of the county in which the property is situated a notice of the pendency

of the action containing the object of the action or defense, and a particular description of the property affected by it. The recorder shall record the notice in a book devoted exclusively to the recordation of such notices and, if the property is still situated in the same county in which the records were destroyed, shall enter upon a map or plat of the parcels of land to be kept by him for that purpose, on that part of the map or plat representing the parcel or parcels so described, a reference to the date of the filing of the notice and, when recorded, to the book and page of the record thereof.

751.14 Judgment in any such action shall not be given by default, but the court must require proof of the facts alleged in the complaint and other pleadings. **No default judgment**

751.15. The judgment shall determine all estates, rights, titles, interests, and claims in and to such property and every part thereof, whether legal or equitable, present or future, vested or contingent, or whether they consist of mortgages or liens of any description. It shall be conclusive upon every person who at the commencement of the action had or claimed any estate, right, title, or interest in or to all or any part of such property and upon every person claiming under him by title subsequent to the commencement of the action. **Effect of judgment**

751.16. A certified copy of the judgment shall be recorded in the office of the recorder of the county in which the action was commenced. Any party or the successor in interest of any party to the action may file the entire judgment roll for record in the office of the county recorder. **Recording judgment**

751.17. Except as otherwise provided in this chapter, all rules of law relating to evidence, pleading, practice, new trials, and appeals applicable to other civil actions shall apply to actions authorized by this chapter **Applicable laws**

751.18. At any time after the issuance of summons, any party to the action may take depositions in conformity to law upon notice to the adverse party sought to be bound by such depositions and who has appeared in the action and upon notice filed with the clerk. The depositions may be used by any party against any other party giving or receiving the notice, subject to all just exceptions. **Depositions**

751.19. The clerk shall number all actions authorized by this chapter consecutively in a distinct series and shall keep an index and register devoted exclusively to such actions. **Index of actions**

751.20 Whenever judgment in an action authorized by this chapter has been entered as to any real property, no other action relative to all or any part of the same property shall be tried until proof has first been made to the court that all persons who appeared in the first action or their successors in interest have been personally served pursuant to this chapter either within or without the State more than one month before the time to plead expired. **Subsequent actions**

751.21. An executor, administrator, guardian, or other person holding the possession of property in the right of another may maintain as plaintiff, and may appear and defend in any action provided for by this chapter. **Executor, etc., proper plaintiff, defendant**

Remedies cumulative

751.22. The remedies provided for by this chapter are cumulative and in addition to any other remedy provided by law for quieting or establishing title to real property.

Notice of ownership Form

751.23. Where the title to real property may be established or quieted pursuant to this chapter, any person who is or claims to be the owner of such real property or of any interest therein or lien thereon, by himself or by his agent duly authorized by letter of attorney theretofore recorded in the office of the county recorder of the county where the property is situated, may sign, verify, and file for record in the office of the county recorder a notice in substantially the following form:

"NOTICE OF OWNERSHIP AND CLAIM TO REAL PROPERTY UNDER THE DESTROYED RECORDS RELIEF LAW

"Notice is hereby given that _____ (here insert name of claimant) _____, whose residence is at _____ (here insert street and number, city or town, county and state of residence), is the owner of an interest in the real property situated in the _____ (here insert name of city if the property be located in a city) _____, county of _____ (here insert name of county or city and county in which property is located) _____, State of California, described as follows: _____ (here insert a particular description of real property) _____.

"The character of the interest in the real property owned by the claimant is _____ (here insert description of the character of interest in or lien upon the real property) _____ and the interest was obtained from _____ (here insert the name of the party from whom the interest was obtained) _____, and at the time and in the manner following _____ (here insert time at which and manner in which the interest was acquired) _____."

Signed by claimant

751.24. The notice shall be signed by the claimant or by his agent and shall be verified by the oath of the party signing it, to the effect that all of the statements therein contained are true to his knowledge.

Record of claimant

751.25. Upon the filing of the notice for recordation the recorder shall forthwith record it in a book devoted exclusively to the recordation of such notices, and shall properly index it with reference to the name of the claimant. He shall enter upon a map or plat of the parcels of land in the county, which shall be kept by him and devoted exclusively to that purpose, on that part of the map or plat representing the parcel or parcels described in the notice, a reference to the date of the filing of the notice for recordation, and when recorded, to the book and page of the record thereof.

Record notice

751 26. After three days after the notice has been filed for record, all persons who may begin actions pursuant to this chapter shall be deemed to have notice of the facts stated in the notice. Neither the filing of the notice for record nor its recordation constitute constructive notice to any other person or for any other purpose. The original of the notice shall remain on file in the office of the county recorder.

751.27. After three days after the filing of the notice for record, any person who begins an action pursuant to this chapter to perfect or establish his title to the real property described in the notice, or any interest therein, must name, in the affidavit and memorandum appended to the summons, the claimant in the notice, or any person who is a successor in interest of such claimant under a subsequently duly recorded written instrument, judgment, or decree, as a party who claims an interest in or lien upon the property adverse to the plaintiff. He must cause such claimant, or successor in interest, to be served with summons in the action. Otherwise neither the action nor any judgment or decree made therein shall affect the title or interest in the property described in the notice and owned by the claimant at the time of the filing of the notice, or by any such successor in interest prior to the commencement of the action. The failure to name such claimant or successor in interest in the affidavit or memorandum or to serve such claimant or such successor in interest shall not affect the validity of the judgment or decree rendered in such action as to any other persons, but such judgment or decree shall be valid and binding upon all persons except such claimant or successor in interest.

Claimant in notice, etc., must be named

751.28. An executor, administrator, guardian, or other person holding the possession of property in the right of another, may make, sign, verify, and file for record the notice and affidavit provided for in this chapter on behalf of the estate or interest which he represents.

Fiduciaries

SEC. 6.5. Chapter 7, comprising Sections 830 to 836, inclusive, is added to Title 10, Part 2 of said code, to read:

CHAPTER 7. ACTIONS FOR LIBEL AND SLANDER

830. Before issuing the summons in an action for libel or slander, the clerk shall require a written undertaking on the part of the plaintiff in the sum of five hundred dollars ($500), with at least two competent and sufficient sureties, specifying their occupations and residences, to the effect that if the action is dismissed or the defendant recovers judgment, they will pay the costs and charges awarded against the plaintiff by judgment, in the progress of the action, or on an appeal, not exceeding the sum specified. An action brought without filing the required undertaking shall be dismissed.

Libel or slander summons Sureties

831. Each surety shall annex to the undertaking an affidavit that he is a resident and householder or freeholder within the county, and is worth double the amount specified in the undertaking, over and above all his just debts and liabilities, exclusive of property exempt from execution.

Affidavit of residence, etc

832. Within 10 days after the service of the summons, any defendant may give to the plaintiff or his attorney notice that he excepts to the sureties and requires their justification before a judge of the court at a specified time and place. The time shall be not less than five or more than 10 days after the service of the notice, except by consent of parties. The qualifications of the sureties shall be as required in their affidavits.

Exception to sureties

Justification of sureties Examination

833. For the purpose of justification each surety shall attend before the judge at the time and place mentioned in the notice, and may be examined on oath touching his sufficiency in such manner as the judge deems proper. The examination shall be reduced to writing if either party desires it.

Determination by judge

834. If the judge finds the undertaking sufficient, he shall annex the examination to the undertaking and endorse his approval upon it. If the sureties fail to appear or the judge finds either surety insufficient, he shall order a new undertaking to be given. The judge may at any time order a new or additional undertaking upon proof that the sureties have become insufficient. If a new or additional undertaking is ordered, all proceedings in the case shall be stayed until the new undertaking is executed and filed, with the approval of the judge.

Dismissal

835. If the undertaking as required is not filed in five days after the order therefor, the judge or court shall order the action dismissed.

Judgments Plaintiff or defendant

836. If the plaintiff recovers judgment, he shall be allowed as costs one hundred dollars ($100) to cover counsel fees in addition to the other costs. If the action is dismissed or the defendant recovers judgment, he shall be allowed one hundred dollars ($100) to cover counsel fees in addition to other costs, and judgment shall be entered accordingly.

SEC. 7. Chapter 8, comprising Sections 850 to 856, inclusive, is added to Title 10, Part 2 of said code, to read:

CHAPTER 8. ACTIONS AGAINST CO-OWNERS OF MINES

Failure to pay share of taxes

850. Upon the failure of any co-owner of a mine or mining claim to contribute his proportionate share of the taxes which have been levied and assessed upon the mine or claim for the period of five years, any co-owner who has paid such share may at the expiration of the five years serve upon the delinquent co-owner notice thereof.

Service of notice

851. The notice may be served either personally or by publication in a newspaper of general circulation published in the county in which the mine or claim is situated or if there is no such newspaper, in such a newspaper in an adjoining county. Publication shall be at least once a week for 90 days.

Failure to contribute proportionate share

852 If prior to the expiration of 90 days from the service the delinquent fails or refuses to contribute his proportionate share of the taxes, the co-owner contributing such share may file in the superior court of the county in which the mine or claim is situated a verified petition setting forth the facts and particularly describing the mine or claim.

Venue

853. If the mine or claim is situated in more than one county, the petition may be filed in the superior court of either county.

Notice of hearing

854. The clerk shall set the petition for hearing by the court and give notice thereof by causing a notice of the time and place of the hearing to be posted at the county courthouse at least 10 days before the hearing. The court may order such further notice as it deems proper.

855. The court shall hear evidence for or against the petition and may order judgment thereon vesting the interest of the delinquent in the mine or claim in the petitioner.

856. A certified copy of the decree may be recorded in the office of the recorder of each county in which any part of the mine or claim is situated. Recordation of decree

SEC. 8. Chapter 5, comprising Sections 1208.61 to 1208.70, inclusive, is added to Title 4, Part 3 of said code, to read:

CHAPTER 5. LIENS ON AIRCRAFT

1208.61. Subject to the limitations set forth in this chapter, every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair, or safekeeping of, any aircraft, also for reasonable charges for the use of any landing aid furnished such aircraft and reasonable landing fees Repairmen's, etc., liens

1208.62. That portion of such lien in excess of two hundred fifty dollars ($250) for work or services rendered or performed at the request of any person other than the holder of the legal title is invalid, unless prior to commencing such work or service the person claiming the lien gives actual notice to the legal owner and the mortgagee, if any, of the aircraft, and the written consent of the legal owner and the mortgagee of the aircraft is obtained before such work or services are performed. For the purposes of this chapter the person named in the federal aircraft registration certificate issued by the Administrator of Civil Aeronautics shall be deemed to be the legal owner. Limits

1208.63. Any lien for labor or materials provided for in this chapter may be assigned by written instrument accompanied by delivery of possession of the aircraft subject to the lien and the assignee may exercise the rights of a lienholder pursuant to this chapter. Any lienholder assigning a lien shall at the time of the assignment give written notice, either by personal delivery or by registered mail with return receipt requested, to the legal owner of the property covered by the lien, including the name and address of the person to whom the lien is assigned. Assignment

1208.64. Whenever the lien upon any aircraft is lost by reason of the loss of possession through trick, fraud, or device, the repossession of such aircraft by the lienholder revives the lien, but the lien so revived is subordinate to any right, title, or interest of any person under any sale, transfer, encumbrance, lien, or other interest acquired or secured in good faith and for value between the time of the loss of possession and the time of repossession. Lien lost, regained, etc

1208.65. If the lienholder is not paid the amount due within 10 days after it becomes due, the lienholder may proceed to sell the property, or so much thereof as is necessary to satisfy the lien and costs of sale, at public auction. Sale by lienholder

1208.66. Prior to any such sale the lienholder shall give at least 10 days' notice of the sale by advertising in a newspaper published in the county in which the aircraft is situated, or if Notice

there is no such newspaper, by posting notice of sale in three of the most public places in the city or place where such aircraft is to be sold for 10 days previous to the date of the sale. Prior to the sale of any aircraft to satisfy any such lien, 20 days' notice by registered mail shall be given to the legal owner as it appears in the registration certificate.

Proceeds

1208.67. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property. The remainder, if any, shall be paid to the legal owner

Redemption

1208.68. Within 20 days after the sale, the legal owner may redeem the aircraft so sold upon the payment of the amount of the lien, all costs and expenses of sale, and interest on such sum at the rate of 12 percent a year from the date it became due or the date when the amounts were advanced until the repayment.

Surreptitious removal, etc. Penalty

1208.69. It is a misdemeanor for any person to obtain possession of all or any part of any aircraft subject to a lien under this chapter through surreptitious removal or by trick, fraud, or device perpetrated upon the lienholder.

Exemptions

1208.70. This chapter shall not apply to aircraft operated exclusively by an air carrier or a foreign air carrier, as defined in subdivisions (2) and (19) of Section 1 of Chapter 601 of the Statutes of the Seventy-fifth United States Congress, Second Session (1938), engaged in air transportation as defined in subdivision (10) of the same section while there is in force a certificate by, or a foreign air carrier permit of, the Civil Aeronautics Board of the United States, or its successor, authorizing such air carrier to engage in such transportation.

SEC. 9. Section 1238.5 is added to said code, to read:

Irrigation a public use

1238.5. Irrigation is a public use in behalf of which the right of eminent domain may be exercised pursuant to this title.

SEC. 10. Section 1266.2 is added to said code, to read:

Appraiser's, etc., fees, compensation

1266.2. In any action or proceeding for the purpose of condemning property where the court may appoint appraisers, referees, commissioners, or other persons for the purpose of determining the value of such property and fixing the compensation thereof, and may fix their fees or compensation the fee or compensation shall not exceed fifty dollars ($50) a day.

SEC. 11 Title 10b, comprising Sections 1700 to 1706, inclusive, is added to Part 3 of said code, to read:

TITLE 10B. FIDUCIARIES' WARTIME SUBSTITUTION LAW

CHAPTER 1. GENERAL PROVISIONS

Short title

1700. This title may be cited as Fiduciaries' Wartime Substitution Law.

Construction

1700.1. Unless the context requires a different construction, the definitions, rules of construction, and general provisions contained in this chapter govern the construction of this title.

Gender

1700.2. The masculine gender includes the feminine.

1700.3. "Fiduciary" includes guardians, executors, administrators, and trustees of trusts, testamentary or created inter vivos. "Fiduciary"

1700.4 "Trusts" means express, not constructive or implied trusts. "Trusts"

1700 5. "Court trusts" and "private trusts," unless the context requires a different construction, have the meaning attributed to these terms in the Banking Law, except that this title applies to all fiduciaries, corporate or individual. "Court trusts," "private trusts"

1700 6. "Consultant" means a person not a trustee designated in a trust to advise or direct the trustee in respect of any matters or things connected with the trust, or whose consent or approval is required to purchases, sales, exchanges, or other transactions on the part of the trustee. It includes a trustor who reserves any such powers of direction or control. "Consultant"

1700.7. A fiduciary or consultant shall be deemed to be engaged in war service in the following cases: War service

(a) If he is a member of the military or naval forces of the United States or like forces of any nation with which the United States is allied or associated in time of war. "Military or naval forces" includes members of the Army, Navy, Marine Corps, Coast Guard; members of the Public Health Service detailed by proper authority for duty with the armed forces; members of the Enlisted Reserve Corps under orders to report for naval service; members of the Women's Army Auxiliary Corps; Women's Reserve; and all other organizations or services recognized by the laws of the United States as a part of or auxiliary to the armed forces of the United States.

(b) If he has been accepted for and is awaiting induction into the military or naval forces or is receiving training or education under government supervision preliminary to induction into any of these forces.

(c) If he is engaged, outside that part of the continental limits of the United States which is south of the 49th parallel of latitude, in any work in connection with a governmental agency of the United States or with the American Red Cross or any other body with similar objects operating with the approval and sanction of the government of the United States, or of any nation, dominion, or commonwealth with which the United States is allied or associated in time of war.

(d) If he is engaged in time of war in service upon any ship of United States registry.

(e) If he is interned or a prisoner of war in a foreign country or in the United States or any possession or dependency of the United States; or if he is absent from that part of the United States which is south of the 49th parallel of latitude and, due to war conditions, is unable to return freely at his own volition.

(f) If he is engaged in any service in the United States or abroad arising out of or connected with a state of war which the court having jurisdiction of the trust finds prevents him from giving proper attention to his duties.

Corporate fiduciary, county of residence

1700.8. Where reference is made to the county in which a fiduciary resides, it means, in case of a corporate fiduciary, the county in which its principal office is located, or the county in which is located the office handling or administering the estate or trust with which the fiduciary or consultant engaged in war service is concerned.

CHAPTER 2. APPOINTMENT OF SUBSTITUTE FIDUCIARY

Petition

1701. The appropriate court may appoint a substitute fiduciary for a fiduciary engaged in war service upon petition of such fiduciary, a cofiduciary, or any person interested in the estate or trust. In the case of court trusts such substitute shall be appointed by the court in which the estate or trust is being administered, and in the case of private trusts by the superior court in and for the county in which one or more trustees reside.

Notice of hearing

1701.1. Notice of hearing of the petition shall be given as provided in Section 1704.

Suspension of powers and duties of fiduciary

1701.2. Upon hearing the petition and making such provision as the court deems necessary regarding an accounting by the fiduciary engaged in war service, the court may order a suspension of the powers and duties of the fiduciary for the period of his war service and until the further order of the court. Upon the expiration of his war service, if the trust or estate has not been closed, the fiduciary, upon petition to the court and notice of hearing pursuant to this chapter, shall be entitled to reinstatement as fiduciary. Upon such reinstatement, any fiduciary appointed as substitute shall be removed and may receive his discharge upon such conditions as the court prescribes.

Powers in cofiduciary

1701.3. Where there is a qualified and acting cofiduciary, the court is not required to appoint a substitute fiduciary, but may vest in the cofiduciary the power and authority of the fiduciary engaged in war service.

Limits on cofiduciary's powers

1701.4 Any substitute fiduciary, including a cofiduciary in whom authority is vested pursuant to this chapter, shall have all the power and authority, including discretionary powers, which the fiduciary engaged in war service might have exercised, except discretionary powers which the court finds are purely personal to him.

Substitute trustee

1701.5 In trusts having multiple trustees, a substitute trustee shall be appointed in all cases where, in the absence of such appointment, the trusteeship would be vested solely in a beneficiary having a vested or contingent interest in or to the income or principal of the trust.

Bond

1701 6. Any substitute fiduciary appointed pursuant to this title shall give bond in the manner and to the extent provided by law.

Responsibility for acts, etc., of predecessor

1701.7. A substitute fiduciary and any fiduciary engaged in war service and reinstated pursuant to Section 1701 2 shall not have any responsibility for, nor unless expressly directed by the court any duty to inquire into, the acts or omissions of the predecessor fiduciary.

1702. With the approval of the court, a fiduciary engaged in war service may delegate his power and authority as fiduciary, including discretionary power, to any cofiduciary or fiduciaries who are not engaged in war service Delegation may be made for the period during which the fiduciary is engaged in war service and not to exceed six months following the expiration of that period. In the case of court trusts the approval of the court in which the estate or trust is being administered shall be required to delegation, and in the case of private trusts the approval of the superior court in and for the county in which any cotrustee or trustees reside. Delegation of powers, etc

1702.1. The superior court sitting in probate or in equity, as the case may be, may approve or disapprove any delegation upon petition of the delegant or delegate or of a fiduciary or any person interested in the estate or trust. Notice of hearing of the petition shall be given as provided in Section 1704 Upon the expiration of his war service the delegant, upon petition to the court and notice of hearing, may be authorized by the court to resume the exercise of his functions, and the authority delegated shall cease. Court approval

1702.2. The right of delegation shall not exist in either of the following circumstances: Exceptions

(a) In the case of a trust, where and to the extent that the court finds that the powers to be delegated are purely personal to the delegant.

(b) Where in the case of a trust, the sole trustee to whom authority might otherwise be delegated is a beneficiary having a vested or contingent interest in or to income or principal of the trust.

1702 3. In the absence of power to delegate or in the absence of its exercise where the power is existent, proceedings may be had for the appointment of a substitute fiduciary, except that a substitute fiduciary shall not be authorized to exercise powers purely personal to the fiduciary engaged in war service. Such powers of the fiduciary shall remain suspended until their exercise is resumed pursuant to this chapter. Personal powers of fiduciary

1702.4. A fiduciary delegating pursuant to this chapter shall have no responsibility for the acts or omissions of the person to whom the delegation is made. Not responsible for acts, etc , of another

1703. A consultant engaged in war service may delegate his power and authority as consultant, including discretionary powers, to his coconsultant who is not engaged in war service, or to the trustee administering the trust. The procedure relative to delegation by fiduciaries shall govern in such cases. The right of delegation shall not exist to the extent that the court finds that the powers to be delegated are purely personal to the delegant. In that class of cases the powers of the delegant shall remain suspended until their exercise is resumed pursuant to this chapter. Delegation of powers of consultant

1703.1. Where the consultant engaged in war service does not delegate his functions, the appropriate court, upon the petition of the trustee or of any person interested in the trust and Court suspension, delegation of powers, etc

after notice of the hearing of the petition as provided in Section 1704, may do either of the following:

(a) Suspend the consultant's authority and powers for the period of his war service and not to exceed six months thereafter.

(b) Confer these functions, except discretionary powers which the court finds are purely personal to the consultant, upon any other consultant designated in the trust, or the trustee, or any other qualified person.

Resumption of duties

1703.2. In all cases of delegation by the consultant or of the suspension of his powers by the court, the consultant, within not to exceed six months following the expiration of his war service and upon petition to the court and notice of hearing, may be authorized by the court to resume the exercise of his functions. All authority delegated to or conferred upon other persons shall thereupon cease.

Not responsible for acts of another

1703.3. A consultant delegating pursuant to this chapter shall have no responsibility for the acts or omissions of the person to whom the delegation is made.

Hearing, notice, etc

1704. In all cases where notice of hearing of a petition for substitution of fiduciaries, or suspension or delegation of the functions of a fiduciary or consultant, or for resumption of these functions is required to be given pursuant to this chapter, the clerk shall set the petition for hearing and shall post notice of the time and place of hearing in three public places in the county at least 10 days before the time set for the hearing.

At least 10 days before the time set for hearing, the petitioner shall cause further notice thereof to be given as follows:

(a) Notice shall be mailed, except as prohibited by federal statute or governmental order or regulation:

(1) To each fiduciary, including consultants if any, who does not join in the petition.

(2) In case of probate estates, to the persons enumerated in the second paragraph of Section 1200 of the Probate Code, in the manner there provided.

(3) In case of trusts, to each person receiving benefits under the trust, and to each person presumptively entitled in remainder, insofar as the addresses and identity of such persons are known to the petitioner or to the trustee. In the case of revocable or terminable trusts, notice shall be sufficient if mailed to the person having such right of revocation or termination.

(b) In the case of guardianships, notice shall be given in the manner required by law upon settlement of a guardian's account.

(c) In addition to the notice specified in (a) and (b), in cases where the fiduciary or consultant engaged in war service is not the petitioner or where his written consent to the relief prayed for is not filed, notice served either personally or by mail, telegraph or cable shall be given to such fiduciary or consultant, unless the court finds that such notice is impracticable because his whereabouts are unknown and cannot reasonably be ascertained, or because of impossibility or difficulty of communicating with him.

(d) In all cases mentioned in this section, such additional notice, if any, shall be given to parties in interest as the court may direct.

Finding on notice conclusive

1704.1. In all cases where notice is required to be given the court shall inquire as to whether proper notice has been given, and a finding as to the giving of due notice contained in the court's order when final shall be conclusive on the fiduciary or consultant, as the case may be, and on all persons interested in the estate, trust, or guardianship, unless modified or vacated on equitable grounds by a court of competent jurisdiction.

Provisions in wills, etc., valid

1705. Provisions otherwise lawful contained in wills and trusts relating to any of the matters and things dealt with in this chapter shall be valid though differing from or inconsistent with it.

Application of title

1706. This title applies to all court and private trusts existing on February 9, 1943, or thereafter coming into existence.

SEC. 12. Section 1855b is added to said code, to read:

Maps. Injury, destruction, etc., copies

1855b. When any map which has been recorded in the office of the recorder of any county is injured, destroyed, lost, or stolen, any person interested may file in the superior court of the county in which the map was originally filed or recorded a verified petition in writing alleging that such map has been injured, destroyed, lost, or stolen without fault of the person making the application, and that the petitioner has a true and correct copy of the original map which he offers for record in the place of the original map. The petition must be accompanied by a copy of the true copy offered for recording.

Upon the filing of the petition the clerk must set it for hearing by the court, and give notice of the hearing by causing notice of the time and place of hearing to be posted at the courthouse in the county where the court is held at least 10 days prior to the hearing. A copy of the petition and a copy of the true copy offered for record must be served upon the recorder of the county in which the proceedings are brought at least 10 days prior to the hearing. The court may order such further notice to be given as it deems proper. At the time set for hearing the court shall take evidence for and against the petition, and if it appears to the court from the evidence presented that the copy of the map submitted is a true copy of the original map, it shall decree that such copy is a true copy of the original map, and order the copy placed of record in the office of the recorder in the place of the original map.

A certified copy of the decree shall accompany the true copy of the map for record. When presented to the county recorder for record, he shall place of record the copy of the map in the place of the original map.

When placed of record the copy shall have the same effect as the original map, and conveyances of property, referring to the original map shall have the same effect as though the original map had not been injured, destroyed, lost, or stolen, and conveyances thereafter made referring to the copy of the original map shall be deemed to refer also to the original map.

SEC. 13. Article 2.1, comprising Sections 1928.1 to 1928.3, inclusive, is added to Chapter 3, Title 2, Part 4 of said code, to read:

Article 2.1. Official Reports

Report by Secretary of War, etc., of death as evidence

1928.1. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stats. 143, 1092, and P. L. 408, Ch. 371, 2d Sess. 78th Cong.; 50 U. S. C. App. Supp. 1001-17), as it read on May 3, 1945, or is thereafter amended, or a duly certified copy of such finding, shall be received in any court, office, or other place in this State as evidence of the death of the person therein found to be dead, and the date, circumstances, and place of his disappearance.

Report by authorized person evidence of death, etc

1928.2. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by any law of the United States to make such report or record, shall be received in any court, office, or other place in this State as evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or is dead, or is alive, as the case may be.

Report, etc., purportedly signed by officer, etc., prima facie

1928.3. For the purposes of this article any finding, report, or record, or duly certified copy thereof, purporting to have been signed by an officer or employee of the United States described in this article shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing such report or record shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify it, such certified copy shall be prima facie evidence of his authority so to certify.

Saving clause

1928.4. If any provision of this article or its application to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

SEC. 14. Article 4, comprising Sections 1953 to 1953.06, inclusive, is added to Chapter 3 of Title 2 of Part 4 of said code, to read:

Article 4. Records Destroyed in Fire or Calamity

"Record"

1953. As used in this article "record" includes all or any part of any judgment, decree, order, document, paper, process, or file.

Petition

1953.01. Whenever in any action or special proceeding, civil or criminal, in any court of this State any record is lost, in-

jured, or destroyed by reason of conflagration or other public calamity, any person interested therein may apply by a duly verified petition in writing to the court for an order authorizing such defect to be supplied by a duly certified copy of the original, where such copy can be obtained.

Effect of certified copy

1953.02. Upon notice given pursuant to Sections 1010 to 1020, inclusive, of this code, and its being shown to the satisfaction of the court that the record has been so lost, injured, or destroyed, the court shall make an order that the certified copy shall thereafter have the same effect in all respects as the original would have had.

Certified copy unavailable

1953.03. Whenever in any action or special proceeding, civil or criminal, in any court of this State any record is lost, injured, or destroyed by reason of conflagration or other public calamity, and a certified copy of the original cannot be supplied, any person interested therein may make written application to the court, verified by affidavit, showing such loss, injury, or destruction, and that a certified copy of the record cannot be obtained by the person making the application, and that such loss, injury, or destruction occurred by conflagration, or other calamity, without the fault or neglect of the person making the application, and that such loss, injury, or destruction, unless supplied or remedied may result in damage to the person making the application. Thereupon the court shall cause notice of the application to be given pursuant to Sections 1010 to 1020, inclusive, of this code.

Order reciting substance, etc., of lost record

1953.04. Upon the hearing if the court is satisfied that the statements contained in the written application are true, it shall make an order reciting the substance and effect of the lost, injured, or destroyed record. The order shall have the same effect that the original would have had if it had not been lost, injured, or destroyed, so far as concerns the person making the application, and the persons who have been notified, pursuant to Section 1953.03.

Restoration in other cases

1953.05. The record in all cases where the proceeding is in rem, including probate, guardianship, and insolvency proceedings, may be supplied in like manner upon like notice to all persons who have appeared therein, and upon notice by publication or postings for not less than 10 days, as the court may order, to all persons who have not appeared. When restored the record shall have the same effect as the original upon all persons who have been personally served with notice of the application, and as to all other persons it shall be prima facie evidence of the contents of the original.

Appeal taken in action where record lost

1953.06. If an appeal to a district court of appeal or the Supreme Court has been taken in any action or special proceeding in any superior court in which the record has been subsequently lost or destroyed by conflagration or other public calamity and a transcript of such record has been filed in the district court of appeal or in the Supreme Court, any person interested in the action or special proceeding may obtain a certified copy of all or any portion of the transcript from the

clerk of the district court of appeal, attested by the presiding judge, or from the Clerk of the Supreme Court, attested by the Chief Justice, and may file such certified and attested copy in the office of the clerk of the superior court from which the appeal was taken Thereupon the certified and attested copy may be made the basis of any further proceedings or processes in the superior court in such action or special proceeding to all intents and purposes as if the original record were on file.

Repeal

SEC. 15. The following acts are repealed:

1871-2:377:533	1931: 921:1924
1873-4:474:707	1933: 111: 567
1891: 60: 56	1943: 33: 161
1906: 55: 73	1945: 254: 719
1906 (Ex Sess.): 59: 78	1945:1292:2425
1907: 517: 950	1949: 654:1158
1907: 537: 998	1949:1326:2314
1911: 719:1407	

CHAPTER 53

An act to amend Section 80 of the Agricultural Code, relating to agricultural districts.

In effect September 9, 1953

[Approved by Governor April 2, 1953 Filed with Secretary of State April 3, 1953]

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

SECTION 1. Section 80 of the Agricultural Code is amended to read:

Agricultural districts

80. The several counties of this State constitute agricultural districts numbered as follows:

District 1. All that portion of the County of Alameda not included in Agricultural District Number 53.

District 1a. The City and County of San Francisco and the County of San Mateo.

District 2. The County of San Joaquin.

District 3. The County of Butte.

District 4. The Counties of Sonoma and Marin.

District 5. The County of Santa Clara.

District 6. All that portion of Los Angeles County not included in Agricultural District Number 48, Agricultural District Number 50 and Agricultural District 51.

District 7. The County of Monterey.

District 8. The County of El Dorado.

District 9. The County of Humboldt.

District 10. That portion of the County of Siskiyou not included in District 10a.

District 10a. All that portion of Siskiyou and Modoc Counties described as follows:

Beginning at the intersection of west longitude 122 degrees 10 minutes with the Oregon-California boundary line, thence

southerly along said line of longitude to north latitude 41 degrees 30 minutes, thence easterly along said line of latitude to the point where it intersects west longitude 121 degrees 10 minutes, thence northerly along said line of longitude to the Oregon state line, thence westerly along said state line to the point of beginning.

District 11. The Counties of Plumas and Sierra. A fair shall be held in each county of this district alternately.

District 12. The County of Mendocino.

District 13. The Counties of Sutter and Yuba.

District 14. The County of Santa Cruz.

District 15. The County of Kern.

District 16. The County of San Luis Obispo.

District 17. The County of Nevada.

District 18. The Counties of Mono, Inyo, and Alpine.

District 19. All that portion of Santa Barbara County lying east of Gaviota and south of the Santa Ynez Mountains.

District 20. The County of Placer.

District 21. The County of Fresno.

District 21a. The County of Madera.

District 22. The County of San Diego.

District 23. The County of Contra Costa.

District 24. The County of Tulare.

District 24a. The County of Kings.

District 25. The County of Napa.

District 26. The County of Amador.

District 27. The County of Shasta.

District 28. The County of San Bernardino.

District 29. The County of Tuolumne.

District 30. The County of Tehama.

District 31. The County of Ventura.

District 32. The County of Orange.

District 33. The County of San Benito.

District 34. That portion of the County of Modoc not included in District 10a.

District 35. The County of Merced.

District 35a. The County of Mariposa.

District 36. The County of Solano.

District 37. All that portion of Santa Barbara County not included in Agricultural District Number 19.

District 38. The County of Stanislaus.

District 39. The County of Calaveras.

District 40. The County of Yolo.

District 41. The County of Del Norte.

District 42. The County of Glenn.

District 43. The County of Lassen.

District 44. The County of Colusa.

District 45. The County of Imperial.

District 46. The County of Riverside.

District 47. The County of Trinity.

District 48. All that portion of Los Angeles County described as follows:

Beginning at the intersection of a southerly extension of the east line of Avalon Boulevard with the Pacific Ocean, proceed north to the east line of Avalon Boulevard; thence north along the east line of Avalon Boulevard to its intersection with the south line of Slauson Avenue; thence west along the south line of Slauson Avenue to La Brea Boulevard; thence north along west line of La Brea Boulevard to north line of Exposition Boulevard; thence east along north line of Exposition Boulevard to west line of Crenshaw Boulevard; thence south along the west line of Crenshaw Boulevard to south line of Vernon Avenue; thence east along south line of Vernon Avenue to Main Street; thence north along the west line of Main Street to the north line of Valley Boulevard; thence east along the north line of Valley Boulevard to the east line of San Gabriel Boulevard; thence south along the east line of San Gabriel Boulevard to the north line of Whittier Boulevard; thence east along the north line of Whittier Boulevard to the Orange County line; thence south along the Orange County line to its intersection with the Pacific Ocean; thence west along the Pacific Coast to point of beginning.

District 49. The County of Lake.

District 50. All that portion of Los Angeles County lying north of the south line of Township 5 North, San Bernardino Base.

District 51. All that portion of Los Angeles County described as Assembly Districts 41 and 42 in subdivisions 41 and 42 of Section 491 of the Government Code as enacted by Chapter 134 of the Statutes of California, Fifty-fifth Regular Session, excepting therefrom any portion of the area so described lying in Agricultural District 50, all of the City of Burbank, and that portion of Assembly District 42 lying east of a line extended south from the center of the south line of T. 3 N., R. 14 W., S. B. B & M.

District 52. The County of Sacramento.

District 53. That portion of Alameda County comprising Murray, Washington, and Pleasanton Townships, and the following portion of Eden Township, as said townships were constituted on January 1, 1947: All of that portion of Eden Township lying south and east of a line commencing at the point where the boundary line common to Eden and Pleasanton Townships touches the boundary line common to Alameda and Contra Costa Counties, thence southwesterly to the most northerly point on the boundary of the Rancho Arroyo de la Alameda, thence westerly along and following Harder Road and a line projected as a continuation of said Harder Road to San Francisco Bay.

CHAPTER 54

An act to amend Section 17721 of, and to add Sections 17360, 17724.1 and 17784.8 to, the Revenue and Taxation Code, relating to personal income taxation, to take effect immediately.

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

In effect immediately

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

SECTION 1. Section 17360 is added to the Revenue and Taxation Code, to read:

No deduction

17360. Where an unharvested crop sold by the taxpayer is considered under the provisions of Section 17724.1 as "property used in the trade or business," in computing net income no deduction (whether or not for the taxable year of the sale or whether for expenses, depreciation, or otherwise) attributable to the production of such crop shall be allowed.

SEC. 2. Section 17721 of the Revenue and Taxation Code is amended to read:

"Property used in the trade or business"

17721. For the purposes of Section 17722, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Section 17313, and real property used in the trade or business, which is not

(a) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or

(b) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or

(c) A copyright, a literary, musical or artistic composition, or similar property, held by a taxpayer described in Section 17711(d).

Such term also includes timber with respect to which Sections 17725 and 17726 are applicable and unharvested crops to which Section 17724.1 is applicable. Such term also includes livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. It does not include poultry.

SEC. 3. Section 17724.1 is added to the Revenue and Taxation Code, to read:

Same Unharvested crop

17724.1. In the case of an unharvested crop on land used in the trade or business and held for more than one year, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted as described in Section 17722) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

SEC. 4. Section 17784.8 is added to the Revenue and Taxation Code, to read:

Adjustments for deductions

17784.8. Proper adjustments shall be made for deductions to the extent disallowed under Section 17360, notwithstanding the provisions of any other section of this article.

Tax levy

SEC. 5. 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.

Operative date

SEC. 6. This act shall be applied only in the computation of taxes for taxable years beginning after December 31, 1952.

CHAPTER 55

An act to amend Section 1803 of the Insurance Code, relating to bail solicitors' licenses.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953]

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

SECTION 1. Section 1803 of the Insurance Code is amended to read:

Bail solicitor's license

1803. A bail solicitor's license, by its terms, permits the licensee to transact bail on behalf of and as the employee of the holder of the bail licenses therein designated while there is in effect and on file with the commissioner an unrevoked appointment of the solicitor by such license holder. In all matters respecting the transaction of bail, it shall be conclusively presumed that such solicitor acted on behalf of and pursuant to the instructions of the appointing license holder A bail solicitor's license shall not be issued until there is filed with the commissioner an appointment of such solicitor, effective upon issue of the license executed by the holder of a bail agent's license or bail permittee's license, or both such licenses. Such appointment shall state that the license holder appoints the solicitor and will employ him in the transaction of bail, until notice is filed with the commissioner revoking the appointment. Such appointment and license shall permit the bail solicitor to transact only the undertakings of bail or bail bonds which the license or licenses of the appointing license holder permits such license holder to transact.

Bond

Before the issuance of a bail solicitor's license, the applicant shall file a bond in the penal sum of one thousand dollars ($1,000) conditioned upon the proper application and disposal of all moneys collected or received by the solicitor, in favor of the people of the State of California.

CHAPTER 56

An act to amend Sections 1708, 1711, and 1713 of, and to add Section 1713.7 to, the Insurance Code, all relating to life insurance agents.

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1708 of the Insurance Code is amended to read:

Certificate of appointment

1708. In lieu of proceeding under Sections 1704 and 1705, a person who is licensed as a life agent of any type for one or more insurers may be licensed to transact any class of insurance which he is entitled to transact under any existing life agent's license for one or more additional insurers by the filing with the commissioner of a certificate of appointment by such insurer.

The certificate of appointment shall bear written evidence of acceptance of the appointment by the agent. Unless the license of the life agent is suspended by the commissioner, the appointment shall remain in effect until the end of the license period in which it is filed, until canceled by the insurer, or until the license of the agent is revoked, whichever event first occurs. License period as used herein shall mean the period covered by the payment of a single filing fee.

Upon the filing of a certificate of appointment pursuant to this section, or an application and statement pursuant to Sections 1704 and 1705, the commissioner shall, subject to the provisions of this article, issue to the person appointed a license to act as life agent.

SEC. 2. Section 1711 of the Insurance Code is amended to read:

Examinations

1711. The examinations shall be of sufficient scope to satisfy the commissioner that the applicants have sufficient knowledge of, and are reasonably familiar with, the insurance laws of the State, the provisions, terms and conditions of the insurance which the license will authorize them to transact, and have a general and fair understanding of the obligations and duties of a life agent.

An applicant shall not be examined, however, with respect to his knowledge of, or familiarity with, the provisions, terms and conditions of any insurance which he is or was authorized to transact under any (a) life agent's license which he holds or has held during any part of the period subsequent to the December 31st second preceding the date of the filing of the application, (b) insurance agent's, broker's or solicitor's license which he holds or has held during any part of the period subsequent to the June 30th second preceding the date of the filing of the application.

SEC. 3. Section 1713 of the Insurance Code is amended to read:

Filing fee

1713. Except as provided in Section 1713.6, the fee for filing a certificate of appointment of life agent or application for a life agent's license is two dollars ($2) for each individual authorized to exercise agency powers thereunder.

SEC. 4. Section 1713.7 is added to the Insurance Code, to read:

Same Amendment to certificate, etc

1713.7. The fee for filing the first amendment to any certificate of appointment, application for original license, application for renewal of license, or annual notice of intention to keep license in force or for filing any such document as first amended is one dollar ($1).

CHAPTER 57

An act to repeal Section 1708.5 of the Insurance Code, relating to life insurance agents.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

Repeal

SECTION 1. Section 1708.5 of the Insurance Code is repealed.

CHAPTER 58

An act to add Section 1734 to the Insurance Code, relating to insurance licenses.

In effect September 9 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 1734 is added to the Insurance Code, to read:

Disciplinary proceeding after lapse or suspension

1734. The lapsing or suspension of any license by operation of law, by failure to renew it or by failure to file a notice of intention to keep it in force or its voluntary surrender shall not deprive the commissioner of jurisdiction or right to institute or proceed with any disciplinary proceeding against such license, to render a decision suspending or revoking such license or to establish and make a record of the facts of any violation of law for any lawful purpose. No such disciplinary proceeding shall be instituted against any license after the expiration of five years from the termination of such license.

CHAPTER 59

An act to amend Section 1802.6 of the Insurance Code, relating to bail licenses.

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953]

In effect September 9, 1953

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

SECTION 1. Section 1802.6 of the Insurance Code is amended to read:

1802.6. The holder of a bail permittee's license may, upon filing of proper documents specified in subdivision (a) of Section 1802, receive a bail agent's license without procuring the additional bond specified in subdivision (b) of Section 1802.

Bail agent's license

CHAPTER 60

An act to amend Section 10209 of the Insurance Code, relating to group life insurance.

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953]

In effect September 9, 1953

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

SECTION 1. Section 10209 of the Insurance Code is amended to read:

10209. Except as provided by Sections 10203.5, 10203.6 and 10203.8, the policy shall contain a provision that the insurer will issue to the employer for delivery to the insured employee an individual certificate setting forth:

Policy contents

(a) A statement as to the insurance protection to which the employee is entitled and to whom payable.

(b) A provision that if the employment terminates for any reason whatsoever and the employee applies to the insurer within 31 days after such termination, paying the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, he is entitled, without producing evidence of insurability, to the issue by the insurer of any individual life policy in any one of the forms, other than term insurance, customarily issued by the insurer.

(c) A statement that such policy in lieu of group insurance will be in an amount equal to the amount of his protection under such group insurance at the time of such termination.

(d) A provision that if the employee dies during the 31-day period within which he is entitled to have an individual policy issued to him in accordance with this section and before any such policy shall have become effective, the amount of life insurance which the employee is entitled to have issued to him under such individual policy shall be payable as a claim under the

group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

The provisions of (b) and (d) shall apply to any insurance issued pursuant to Section 10203.4 on the life of a spouse of an employee.

CHAPTER 61

An act to amend Section 32 of the Insurance Code, relating to life insurance agents.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 32 of the Insurance Code is amended to read:

"Life agent"

32 A life agent means an insurance agent authorized, by and on behalf of a life, disability or life and disability insurer, to transact life, disability or life and disability insurance.

CHAPTER 62

An act to amend Sections 1645, 1648.3, 1648.6 and 1659 of the Insurance Code, relating to insurance agents, brokers and solicitors.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 1645 of the Insurance Code is amended to read:

Applications by copartnership, etc

1645. Every application by a copartnership, association or corporation for a license to act as an insurance agent or broker shall state the names of the members, officers or employees of the applicant who intend to exercise the power and perform the duties of the agency or brokership Such application shall also contain an agreement by all of the members of the copartnership or of an officer empowered to bind the association or corporation, that in the event the applicant is granted the license, only those persons designated in the license will transact insurance authorized under the license. If such person is a nonresident of this State, he may qualify pursuant to either Section 1646 or 1673.

SEC. 2. Section 1648.3 of the Insurance Code is amended to read:

Broker applicant: Qualifications

1648.3. Before being permitted to take the qualifying examination for license to act as an insurance broker or to qualify to exercise the brokership powers of a corporation, association or partnership, an applicant or a person named to exercise such brokership powers shall have either:

(a) Successfully completed a course or courses of study approved as to methods of instruction and content by the commissioner, covering the principal branches of the insurance business and requiring not less than 90 hours of classroom work or the equivalent thereof in correspondence work; or

(b) Successfully completed a course or courses of study approved as to method of instruction, content and number of hours by the commissioner, covering the principal branches of the insurance business and given to members of the armed forces by the United States Armed Forces Institute; or

(c) Been regularly employed by an insurance company, insurance broker, or an insurance agent, or licensed as an insurance agent, broker or solicitor in any state or in any province of Canada, for a period or periods aggregating not less than one year during the three years next preceding the date of application, in responsible insurance duties relating to classes of insurance other than life; provided, that time spent in military service shall be excluded in computing such three-year period; and he shall submit affidavits stating facts which show compliance with this requirement.

Such course or courses either (1) shall be given by a degree-conferring college or university which has, when such course is taken by such individual, a curriculum or curricula approved by the commissioner, whether such course be given as part of any such curriculum or separately or (2) shall have been given by any other institution which maintains equivalent satisfactory standards of instruction, and which shall have been approved for such purpose by the commissioner.

The commissioner shall not approve any curricula, whether given by a degree-conferring college or university, a correspondence school, or any other institution, unless it includes instruction in: classes of insurance except life insurance; the fundamental characteristics of each of the types of insurers admitted to transact insurance in California; the laws of the State of California relating to the transaction of insurance by insurance agents, brokers and solicitors: and such other subjects as the commissioner finds to be necessary to qualify a person to discharge his responsibilities as an insurance agent or broker or to exercise agency or brokership powers.

This section shall be applicable to all persons required to take the qualifying examination for a license to act as an insurance broker, or to qualify to exercise the brokership powers of a corporation, association or partnership, who make application for said licenses or so to qualify after January 1, 1944.

SEC. 3. Section 1648.6 of the Insurance Code is amended to read:

Limited broker's license

1648.6. Salaried employees and officers, exclusive of directors, of admitted insurers, other than insurers admitted to transact only life insurance or life and disability insurance, may be granted a limited broker's license. The limited broker's license authorizes the transaction of insurance as a broker on risks not located in this State.

Such employees or officers shall not be licensed as brokers other than as provided in this section.

SEC. 4. Section 1659 of the Insurance Code is amended to read:

Agents and solicitors

1659. Any insurance agent or solicitor, upon paying the fee therefor and filing the statement of employment or appointment, as the case may be, is entitled to be licensed to act in the other specified capacity. However, only a natural person may act as a solicitor, and a person shall not at the same time be licensed to act as a solicitor and also as an agent or as a broker. A person who terminated an insurance broker's license to acquire an insurance solicitor's license and who has maintained such solicitor's license in force continuously may reacquire an insurance broker's license upon meeting all the requirements therefor except those of Section 1649 (g).

CHAPTER 63

An act to amend Section 1720 of the Insurance Code, relating to life insurance analysts.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 1720 of the Insurance Code is amended to read:

Exemptions

1720. The following persons are exempt from this article:

(a) Active members of the State Bar of California.

(b) Licensed life agents, while lawfully acting for a life insurer as its agent.

(c) Any person who has passed all of the qualifying examinations necessary to become an associate of the Society of Actuaries.

(d) An officer or employee of any bank or trust company who receives no compensation from sources other than the bank or trust company for activities connected with his employment which would otherwise subject him to this article.

(e) Any person employed by an employer who on behalf of his employer or any employee of his employer transacts life insurance with, but not on behalf of, an insurer; or,

Advises his employer or any employee of his employer in any manner concerning life insurance; if:

(1) The employer receives no compensation by reason of such transactions or advice; and

(2) Such person receives no compensation from any source other than his employer for such transactions and advice.

CHAPTER 64

An act to amend Sections 1679.2, 1706.9, 1706.95 and 1709.2 of, and to add Sections 1643.5 and 1705.6 to, the Insurance Code, all relating to insurance production agencies.

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1643.5 is added to the Insurance Code, to read:

1643.5. If an applicant for such license within six months from the date of the filing of his application or the issuance of his certificate of convenience, if any, neither fully qualifies for and receives such license on a permanent basis, nor is denied its issue, such application is automatically denied without prejudice to the filing of a new application for such license.

Automatic denial

SEC. 2. Section 1679.2 of the Insurance Code is amended to read:

1679.2. If a holder of a certificate of convenience becomes entitled to a permanent license after the June 30th following issuance of his certificate, a permanent license shall be issued to him upon payment of the fee required for filing application for renewal of such a permanent license. If he fails to pay this fee within 60 days after notice of eligibility for permanent license, he forfeits his right to permanent license and all privileges under his certificate of convenience terminate. This section shall not operate to extend any certificate of convenience beyond six months from the issuance thereof.

Certificate of convenience, permanent license

SEC. 3. Section 1705.6 is added to the Insurance Code, to read:

1705.6. If an applicant for such license within six months from the date of the filing of his application or the issuance of his certificate of convenience, if any, neither fully qualifies for and receives such license on a permanent basis, nor is denied its issue, such application is automatically denied without prejudice to the filing of a new application for such license.

Automatic denial

SEC. 4. Section 1706.9 of the Insurance Code is amended to read:

1706.9. Failure by an applicant, except by permission of the commissioner, to take the examination pursuant to notification by the commissioner of time and place of the examination, constitutes a failure to fulfill the examination requirements, except that a holder of a certificate of convenience shall not be required to take the examination before the expiration of a reasonable period from the date of the issuance of the first such certificate to such person. In no event shall said reasonable period be less than three months. Forty-five days after such failure by the holder of a certificate of convenience, all privileges under any certificate of convenience shall terminate. This section shall not operate to extend any certificate of convenience beyond six months from the issuance thereof.

Failure to take examination

SEC. 5. Section 1706.95 of the Insurance Code is amended to read:

Notice of failure

1706.95. If an applicant for a life and disability, a life only, or a disability only license fails the qualifying examination or fails to fulfill the examination requirements, the commissioner shall give him written notice of such failure.

The commissioner may after notice and hearing promulgate rules setting reasonable time limits within which a person who has twice failed an examination or failed to fulfill the examination requirements may not take further examinations.

SEC. 6. Section 1709.2 of the Insurance Code is amended to read:

Failure to pay fee for permanent license

1709.2. If a holder of a certificate of convenience becomes entitled to a permanent license after the expiration of the license period during which his certificate was issued, a permanent license shall be issued to him upon payment of the fee required for filing application for renewal of such a permanent license. If he fails to pay this fee within 60 days after notice of eligibility for permanent license, he forfeits his right to permanent license and all privileges under his certificate of convenience terminate. This section shall not operate to extend any certificate of convenience beyond six months from the issuance thereof.

CHAPTER 65

An act to amend Sections 1516, 1535, 1550, 1554, 1554.1, and 1558 of the Probate Code, relating to notices to be given to the Director of Mental Hygiene.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 1516 of the Probate Code is amended to read:

Instruction on administration upon petition

1516. In all cases where no other or no different procedure is provided by statute, the court on petition of the guardian, creditor or other interested party may from time to time instruct the guardian as to the administration of the ward's estate and the disposition, management, care, protection or preservation of the estate or any property thereof. Notice of the hearing of such petition shall be given for the period and in the manner required by Section 1200 of this code. When the ward is or has been, during the guardianship, confined in a state hospital in this State, notice of hearing and copy of the petition must be given to the Director of Mental Hygiene at his office in Sacramento at least 15 days before the hearing.

SEC. 2. Section 1535 of said code is amended to read:

Notice of hearing

1535. When the ward is or has been, during the guardianship, confined in a state hospital in this State, notice of the

hearing of the return must be given to the Director of Mental Hygiene at his office in Sacramento at least 15 days before the hearing.

SEC. 3. Section 1550 of said code is amended to read:

1550. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the guardian must file with the clerk of the court an inventory and appraisement of the estate of his ward, together with a copy of the same which copy shall be delivered by the clerk to the county assessor. The guardian must make oath to the inventory, and the property therein described must be appraised, by an appraiser or appraisers appointed by the court or judge, in the manner provided for the inventory and appraisement of estates of decedents. Whenever any ward is or has been during the guardianship confined in a state hospital in this State the guardian must deliver or mail a copy of the inventory to the Director of Mental Hygiene at his office in Sacramento. Whenever any property of the ward is discovered which was not included in the inventory, and whenever any other property has been inherited or acquired by the ward, other than by purchase by the guardian, like proceedings must be had for the inventory and appraisement thereof and the delivery or mailing of a copy thereof as are herein provided in relation to the first inventory.

Inventory of estate, etc.

SEC. 4. Section 1554 of said code is amended to read:

1554. No account of the guardian of an insane or incompetent person who is or has been during the guardianship confined in a state hospital in this State shall be settled or allowed unless notice of the time and place of hearing and a copy of the account have been given to the Director of Mental Hygiene at his office in Sacramento at least 15 days before the hearing. The statute of limitations shall not run against any claim of the Department of Mental Hygiene against the estate of the incompetent for board, care, maintenance or transportation if the account is settled without giving the notice prescribed above

Settlement of account of guardian of insane, etc., person

SEC. 4. Section 1554.1 of said code is amended to read:

1554.1. If the insane or incompetent person is no longer confined in a state hospital, the Attorney General, upon ascertaining the facts, may file a certificate to the effect that the ward is not indebted to the State, and waive the giving of further notices or accounts.

Waiver of notice by Attorney General

SEC. 5. Section 1558 of said code is amended to read:

1558. On the application of the guardian or next of kin of an insane or incompetent person, the court may direct the guardian to pay and distribute surplus income, not used for the support and maintenance of the ward, or any part of such surplus income, to the next of kin whom the ward would, in the judgment of the court, have aided, if said ward had been of sound mind. The granting of such allowance and the amounts and proportions thereof shall be discretionary with the court, but the court shall give consideration to the amount of surplus income available after due provision has been made for the

Distribution of surplus income

proper support and maintenance of the ward, to the circumstances and condition of life to which the ward and said next of kin have been accustomed and to the amount which the ward would, in the judgment of the court, have allowed said next of kin, had said ward been of sound mind. Notice of the hearing of said application shall be given as provided in Section 1557 of this code. When the ward is or has been, during the guardianship, confined in a state hospital in this State, notice of hearing and copy of the petition must be given to the Director of Mental Hygiene at his office in Sacramento at least 15 days before the hearing.

"Surplus income"

The term "surplus income," as used herein, includes any income received by the guardian during the guardianship, whether received before or after September 15, 1935.

CHAPTER 66

An act to amend Section 5406.5 of the Welfare and Institutions Code, relating to jury trials of inebriates committed to a state hospital.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 5406.5 of the Welfare and Institutions Code is amended to read:

Right to trial

5406.5. If a person ordered committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within 10 days after the making of the order of commitment, demand that the issue be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon a trial shall be had in compliance with the provisions of Sections 5125 to 5129, inclusive, of this code.

CHAPTER 67

An act to codify Chapter 371 of the Statutes of 1909, Chapter 19 of the Statutes of 1893, Chapter 34 of the Statutes of 1941, and Chapter 369 of the Statutes of 1921, relating to the regulation of private business, business transactions and licensed professions by adding Sections 7401, 16104, and 30046 to, and Chapter 4 to Part 2, Division 4, and Chapter 2.5 to Part 2, Division 7 of, the Business and Professions Code, and repealing acts and parts of acts specified herein.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 7401 is added to the Business and Professions Code, to read:

7401. Every person who successfully completes the courses in cosmetology given in a school under the Public School System of this State is eligible for registration and license under this chapter the same as though he had graduated from a licensed private school of cosmetology approved by the State Board of Cosmetology. Graduates entitled to registration and license

For this purpose, successful completion of courses in cosmetology given in public schools of the Public School System equal to and the equivalent of the courses required to be given in licensed private schools of cosmetology approved by the State Board of Cosmetology shall be deemed to be the fulfillment of the requirements of this chapter in regard to completion of courses in licensed schools of cosmetology approved by the State Board of Cosmetology.

SEC. 2 Section 16104 is added to the Business and Professions Code, to read:

16104. No license requiring a fee greater than 3 cents ($0.03) per head shall be imposed by the board of supervisors of any county on the business of raising, grazing, herding or pasturing sheep, nor shall any such license tax be applicable to or on account of lambs under eight months old Maximum license fee

SEC 3 Chapter 4 is added to Part 2, Division 4 of the Business and Professions Code, to read:

CHAPTER 4. EXCLUSIONS FROM SUBDIVIDED LANDS

11700. This chapter is known and may be cited as "The Subdivision Land Exclusion Law." Short title

11701. Upon application the superior court of the county in which the land is situated may cause all or any portion of the land included within the boundaries of any tract or subdivision of land described in a recorded map or plat to be excluded from such subdivision or tract and the recorded map or plat thereof to be altered or vacated as provided in this chapter. Land excluded upon application

11702. The application shall be made by filing in the office of the county clerk of the county in which the tract or subdivision, or that portion of the land sought to be excluded, is situated, a petition signed and verified by the owners of at least two-thirds of the total area of the land included within the boundaries of the tract or subdivision, or of that portion thereof sought to be excluded where application is made to vacate a portion of such subdivision or tract, as shown on the recorded map or plat, praying that all or such portions of the land included within such subdivision or tract as are described shall be excluded therefrom. Such petition shall also show the reasons therefor. The land sought to be excluded shall be accurately and distinctly described by reference to the recorded map or plat or by an accurate survey. The petition shall further show the names and addresses of all other owners of the land in the subdivision or tract, or of that portion thereof sought to be excluded where application is made to vacate a portion of such subdivision or tract, so far as the same are known to the petitioners. Petition

New map

11703. The application and petition shall include a new map or plat showing the boundaries of such subdivision or tract, as it appears after the exclusion and alteration, such new map to designate as numbered or lettered parcels those portions vacated and show the acreage of each parcel If such a map can be compiled from data available, it does not necessitate an actual field survey. There need not be a certificate by a surveyor or engineer if the map meets with the approval of the county surveyor.

Notice of filing

11704. Upon the filing of a petition pursuant to this chapter, any judge of the superior court of the county in which the land is situated, shall make an order directing the clerk of the court to give notice of the filing of the petition. The notice shall be for not less than 30, nor more than 50, days as directed by the judge and shall be given by publication in some newspaper of general circulation within the county, or if there is no newspaper published therein, by posting in three of the principal places in the county. Such notice shall contain a statement of the nature of the petition together with a direction that any person may file his written objection to the petition at any time before the expiration of the time of posting or publication.

Hearing

11705 Upon expiration of the time of posting or publication an affidavit showing such posting or publication shall be filed with the clerk of the court. The court may, if no objection has been filed, proceed without further notice to hear the application. If during the hearing the petitioners produce to the court satisfactory evidence of the necessity of the exclusion of the lands, and that the owners of two-thirds of the area of the land included within such tract or subdivision, or of that portion thereof sought to be excluded where application is made to vacate a portion of such subdivision or tract, are the petitioners, and that there is no reasonable objection to making such exclusion, the court may proceed to exclude the lands sought to be excluded by the petition, and alter or vacate any recorded map or plat thereof, and enter its decree accordingly.

Objections

11706. If objection is made to the petition which, in the judgment of the court is material, the court shall proceed to hear such objection and may adjourn the proceedings to such time as may be necessary upon proper notice to the petitioners.

Public highways not affected

11707. The exclusion of any territory or the alteration or vacation of any recorded map or plat pursuant to this chapter shall not affect or vacate the whole or any part of any public highway.

Exclusion, etc., complete

11708. The exclusion of any land or the alteration or vacation of any recorded map or plat pursuant to this chapter shall be complete with the filing in the office of the county recorder of the county in which such land is situated, of a copy of the decree of the superior court. The county recorder shall make upon the face of any such recorded map or plat a memorandum stating briefly that such recorded plat has been altered or vacated, whichever the case may be, and giving the date and reference of such decree.

11709. A copy of the new map required by Section 11703 shall be recorded by the county recorder at the time the copy of the decree of the court is filed, and a reference to this map shall be sufficient identification of the land for reassessment purposes. New map recorded

SEC. 4. Chapter 2.5 is added to Part 2, Division 7 of the Business and Professions Code, to read:

CHAPTER 2.5. COMBINATIONS TO OBSTRUCT SALES OF LIVESTOCK

16800. It is unlawful for any two or more persons, or corporations, to combine or agree together to do any act which will, in any respect, prevent any person from buying livestock at any place in this State. Acts to prevent buying livestock unlawful

16801. It is unlawful for any corporation organized under the laws of this State, or the board of directors, trustees, stockholders, agents, or officers of any corporation, to pass or enforce any rule, by-law, or regulation whereby any officer, stockholder, member, shareholder, agent, servant thereof, or any other person in any way interested in or connected with such corporation shall in any respect be prohibited, prevented, or enjoined from buying livestock in any market in this State where livestock is brought to be sold. Organized corporations, etc., establishing rules to prevent purchase

Every such rule, regulation, or by-law is declared to be contrary to the public policy of this State, and is unlawful and void. Any person who attempts, directly or indirectly, to enforce any such rule, regulation, or by-law, is guilty of a misdemeanor and subject to the penalties prescribed in this chapter.

16802. No trust, combination, or conspiracy shall be organized or exist in this State to prevent any person or corporation from selling livestock on commission at such rate as the person or corporation may see fit to charge. Any rule, regulation, by-law, or agreement of any corporation, association, society, or combination of persons, whereby any such parties are required to charge not less than a given sum for commissions, or whereby any person or commission merchant is, in any respect, restrained from charging less than a certain fixed sum for his services as such commission merchant in the sale of livestock, is declared to be contrary to the public policy of this State, and is unlawful. Trust, conspiracy, etc., to prevent sale on commission

Any person who enters into any such trust, combination, or conspiracy, or who enforces or aids, abets, assists, or encourages the enforcement of any such rule, regulation, by-law, or agreement, is liable to the penalties prescribed in this chapter.

16803. Any person who, directly or indirectly, is a party to any combination, conspiracy, or association, which attempts, directly or indirectly, to prevent any other person from freely selling livestock at any market in this State for such persons as see fit to engage his services, or who endeavors to compel, directly or indirectly, any person to charge not less than a fixed minimum sum for services in the sale of livestock, or who, in any way, hinders or prevents any person from lawfully selling Violation

livestock for another for such rate of commission as may be agreed upon is guilty of a misdemeanor, and subject to the penalties prescribed in this chapter.

Penalty
Civil liability

16804. A violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than five hundred dollars ($500) and not more than five thousand dollars ($5,000), or by imprisonment in the county jail not exceeding one year, or both. A person violating any provision of this chapter shall be liable, in civil action, to any person aggrieved thereby, for the full amount of damages sustained by reason of the violation.

SEC. 5. Section 30046 is added to the Business and Professions Code, to read:

Repeal

30046. The following acts and parts of acts together with all acts amendatory thereof and supplementary thereto are repealed:

GENERAL LAWS

Year	Chapter	Page
1893	19	30
1903	40	41
1909	371	608
1921	369	548
1941	34	474

CHAPTER 68

An act to codify certain acts, relating to military affairs and veterans' affairs, aid and welfare, by adding Section 1509.5 to the Military and Veterans Code; Chapters 2 and 3 to Division 7 of said code, and Division 8 to said code; and by repealing certain acts and sections specified herein.

In effect September 9, 1953

[Approved by Governor April 2, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 1509.5 is added to the Military and Veterans Code, to read:

Housing of transient minors

1509.5. The Governor shall enter into cooperative agreements with cities and counties for the housing and return to their home communities of transient minors. One half the cost of such housing and return may be paid by the Governor out of any appropriation made for support of his office. The Governor may make such rules as are necessary to carry out the provisions of this section.

SEC. 2. Chapter 2, comprising Sections 1630 to 1674, inclusive, is added to Division 7 of said code, to read:

CHAPTER 2. SABOTAGE PREVENTION ACT OF 1950

Article 1. General Provisions and Definitions

Short title

1630. This chapter may be cited as the Sabotage Prevention Act of 1950.

Construction

1631. Unless the context otherwise requires, the definitions and general provisions set forth in this article govern the construction of this chapter.

1632 "Highway" includes any private or public street, way, or other place used for travel to or from property. "Highway"

1633. "Highway commissioners" means any board or other body having authority to restrict or close any highway to public use and travel. "Highway commissioners"

1634. "Public utility" includes any pipeline, gas, electric, heat, water, sewer, telephone, telegraph, radio, television, railway, railroad, airplane, transportation, communication, or other system, by whomsoever owned or operated for public use. "Public utility"

1635. "War" means any of the following: "War"

(a) Whenever Congress has declared war, and peace has not been formally restored.

(b) Whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared.

(c) Whenever the United States is assisting the United Nations, in actions involving the use of armed force, to restore international peace and security.

1636. "Defense preparation" means any of the following: "Defense preparation"

(a) The manufacture, transportation, or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States or in the rendering of assistance by the United States to any other nation in connection with that nation's defense.

(b) The manufacture, transportation, distribution, or storage of gas, oil, coal, electricity, or water.

(c) The operation of any public utility.

1637. If conduct prohibited by this chapter is also made unlawful by another law, the offender may be convicted for the violation of this chapter or of the other law. Offenses under other laws

1638. A person shall not be excused from attending and testifying, or producing any books, papers, or other documents before any court, magistrate, referee, or grand jury upon any investigation, proceeding, or trial, relating to a violation of this chapter, upon the ground that the testimony or evidence, documentary or otherwise, required of him by the State may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding, or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony. Self-incrimination

1639. This chapter shall not be construed: Construction of chapter

(a) To impair, curtail, or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted

activities, for the purpose of collective bargaining or other mutual aid or protection.

(b) To impair, curtail, or destroy the rights of employees, former employees, and their representatives to strike.

Saving clause

1640. If any provision of this chapter or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Article 2. Protection of Property Used for Defense Preparation

Posting of property

1650. Any individual, partnership, association, corporation, municipal corporation, or the State or any of its political subdivisions engaged in, or preparing to engage in, defense preparation, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons, or things, is enclosed, may post around its property at each gate, entrance, dock, or railway entrance and every 100 feet of water front a sign reading "no entry without permission."

Entry without permission

1651. Any person who without permission of the owner wilfully enters upon any premises posted pursuant to Section 1650 is guilty of a misdemeanor.

Authority of guards, etc., to detain violators

1652. Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted pursuant to Section 1650 may stop any person found on the premises and may detain him for the purpose of demanding his name, address, and the reason for his presence. If the peace officer or employee has reason to believe that the person so interrogated has no right to be on the premises, he may arrest the person without a warrant on the charge of violating Section 1651.

Petition to highway commissioners to restrict travel

1653. Any individual, partnership, association, corporation, municipal corporation, or the State or any of its political subdivisions engaged in or preparing to engage in defense preparation, who has property so used which he believes will be endangered if public use and travel is not restricted or prohibited on any abutting highway, may petition the highway commissioners of any city or county to close or to restrict the use of and travel upon any part of the abutting highway lying within 150 feet of such property.

Hearing

1654. Upon receipt of a petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper of general circulation in the city or county in which such property is located. Notice shall be given at least seven days prior to the date set for hearing.

Order to restrict use

1655. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner require that public use and travel upon any abutting highway be closed or restricted within 150 feet or less of the property, they shall issue such an order.

1656. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. Notices

1657. The highway commissioners may at any time revoke or modify any order so made. Revocation modification

1658. The highway commissioners may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions, and in such form as the commissioners prescribe. Permits to use restricted highways

1659. Any person who violates any order made under Section 1655 is guilty of a misdemeanor. Misdemeanor

Article 3. Sabotage

1670. Any person who intentionally and maliciously destroys, impairs, injures, interferes, or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay, or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with the rendering of assistance by the United States to any other nation in connection with that nation's defense, is guilty of a felony. Destruction, etc., of property used for war effort, etc

1671. Any person who intentionally and maliciously makes or causes to be made or intentionally and maliciously omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any state for defense or for war, or for the prosecution of war by the United States, or with the rendering of assistance by the United States to any other nation in connection with that nation's defense, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, is guilty of a felony. Failure to note defects on inspection

1672. Any person who is guilty of violating Sections 1670 or 1671 is punishable as follows: Penalties

(a) If his act or failure to act causes the death of, or great bodily injury to, any person, he is punishable by death or imprisonment in the state prison for life, at the discretion of the jury trying the case, or at the discretion of the court where a jury does not try the case.

(b) If his act or failure to act does not cause the death of, or great bodily injury to, any person, he is punishable by imprisonment in the state prison for not more than 20 years, or a fine of not more than ten thousand dollars ($10,000), or both. However, if such person so acts or so fails to act with the intent to hinder, delay, or interfere with the preparation of the United States or of any state for defense or for war, or with the prosecution of war by the United States, or with the rendering of assistance by the United States to any other nation in connection with that nation's defense, the minimum punishment shall be imprisonment in the state prison for not less than one year, and the maximum punishment shall be imprisonment in the state

prison for not more than 20 years, or by a fine of not more than ten thousand dollars ($10,000), or both.

Attempt-Penalties

1673. Any person who attempts to commit any of the crimes defined by this chapter is punishable as provided in Section 664 of the Penal Code, except that attempts to commit crimes defined by Sections 1670 and 1671 are punishable by imprisonment in the state prison for not more than 10 years or by a fine of not more than five thousand dollars ($5,000), or both. In addition to the acts which constitute an attempt to commit a crime under the law of this State, the solicitation or incitement of another to commit any of the crimes defined by this chapter not followed by the commission of the crime, the collection or assemblage of any materials with the intent that they are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure, or other premises of another with the intent to commit any such crime constitutes an attempt to commit such crime.

Conspiracy

1674. If two or more persons conspire to commit any crime defined by this chapter, each is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. The fact that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice, or has been pardoned or otherwise discharged before or after conviction does not constitute a defense or ground of suspension of judgment, sentence, or punishment for any person prosecuted under this section.

SEC. 3. Chapter 3, comprising Sections 1690 to 1693, inclusive, is added to Division 7 of said code, to read:

CHAPTER 3. REINSTATEMENT OF PUBLIC OFFICERS AFTER MILITARY SERVICE

Re-entry of elected officer to term after termination of service

1690. Any elected officer of the State who is called to serve with the armed forces of the United States has a right to return to and to re-enter upon his office after the termination of his active service with the armed forces if the term for which he is elected has not expired.

Rights and privileges

1691. Upon his return and re-entry or his return to the office he shall have all of the rights and privileges in, connected with, or arising out of, the office which he would have enjoyed if he had not been absent.

Temporary appointment

1692. Any vacancy created by such absence may be filled by a temporary appointment, as provided by law, for a term not to extend beyond the time of the return and re-entry to the office by such absent person or beyond the term for which he is elected.

Oath and bond upon re-entry

1693. If any such officer was required by law to file an oath of office or to execute a bond prior to his original entry upon the duties of the office, he shall file an oath and execute a bond in like manner and form prior to his re-entry upon the duties of the office.

SEC. 4. Division 8, comprising Sections 1800 to 1820, inclusive, is added to said code, to read:

DIVISION 8. VETERANS' WELFARE

CHAPTER 1. SOLICITATION FOR VETERANS' BENEFITS

1800. As used in Section 1801:

(a) "Veterans' organizations" means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their auxiliaries. "Veterans' organizations"

(b) "Poppy" means any article fashioned of cloth, paper, or other material which represents or resembles the poppy or other flower. "Poppy"

(c) "Badge" means any badge, rosette, lapel button, or other insignia of any veterans' organization or any imitation thereof. "Badge"

(d) "Label" means any card, paper, sign, certificate, banner, or other material containing the name of or a similar name to that of any veterans' organization. "Label"

1801. It is unlawful for any person to do any of the following acts: Unlawful acts

(a) To hawk, peddle, vend, offer to sell, give away, or offer to give away any poppy, badge, or label, which appears to be, or is represented directly or indirectly as being, sponsored, endorsed, or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

(b) To represent in any way, directly or indirectly, that any poppy, badge, or label is sponsored, endorsed, or is being offered by a veterans' organization when it is in fact not so sponsored, endorsed, or offered by that veterans' organization.

Any person, whether or not an honorably discharged soldier, sailor, or marine of the United States, and whether or not licensed to hawk, peddle, or vend goods, wares, or merchandise, who violates this section is guilty of a misdemeanor.

1802. Any person who solicits funds for the benefit of any veteran or veterans' association and who uses such funds for purposes other than those represented in the solicitation is guilty of a misdemeanor. Misuse of solicited funds, misdemeanor

CHAPTER 2. VETERANS' ORGANIZATIONS AND INSIGNIA

1820. Any person who wilfully wears or uses the badge, lapel button, rosette, or other recognized and estimable insignia of the Grand Army of the Republic, the United Spanish War Veterans, the American Legion, or Veterans of Foreign Wars, unless he is entitled to wear or use it under the rules and regulations of the Department of California, Grand Army of the Republic, the United Spanish War Veterans, the American Le- Misuse of badge, etc., misdemeanor

gion, or Veterans of Foreign Wars, is guilty of a misdemeanor, and is punishable by imprisonment for a term not to exceed 30 days in the county jail, or a fine not to exceed twenty dollars ($20), or by both such fine and imprisonment.

Repeal

SEC. 5. The following acts are repealed:

Year	Chapter	Page
1921	172	180
1941	184	1240
1945	252	717
1949	603	1098
1950 (3d Ex. Sess.)	13	23

Repeal

SEC. 6. Section 1702 of the Military and Veterans Code is repealed.

Repeal

SEC. 7. Section 538c of the Penal Code is repealed.

CHAPTER 69

An act to codify Chapter 843 of the Statutes of 1921 and Chapter 299 of the Statutes of 1935, relating to penal industrial farms and road camps, by adding Chapter 2 to Part 3 of Title 4 of the Penal Code, and repealing certain statutes specified herein.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Chapter 2 is added to Part 3 of Title 4 of the Penal Code, to read:

CHAPTER 2. COUNTY INDUSTRIAL FARMS AND ROAD CAMPS

Article 1. County Industrial Farms

Purpose

4100. It is the purpose of this article to make possible the substitution of constructive labor for profitless prison confinement in order that those who are charged with or convicted of public offenses and deprived of their liberty may become better citizens because of their disciplinary experience.

County industrial farm, etc

4101. In each county an industrial farm or industrial road camp may be established under the provisions of this article.

Resolution of intention

4102. Before establishing an industrial farm or industrial road camp in any county the board of supervisors thereof shall adopt a resolution of its intention so to do. The resolution shall state an amount not to exceed one dollar ($1) per person per day for which persons from incorporated cities will be maintained on an industrial farm. Certified copies of the resolution shall be forwarded by the clerk of the board of supervisors to the clerks of all incorporated cities within the county.

Resolution by legislative body

4103. Upon receipt of the resolution as provided in Section 4102, the legislative body of any incorporated city wishing to avail itself of the use of a proposed industrial farm shall adopt a resolution setting forth the following matters:

1. The number of persons sentenced to imprisonment in the jail of such city during the fiscal year last preceding the adoption of the resolution of intention by the board of supervisors;

2. The total number of days for which all such persons were imprisoned in the jail of the city during such fiscal year;

3. A declaration of the desire of the city adopting the resolution to have the prisoners of the city cared for by the county on the industrial farm or industrial road camp and of the agreement of the city to pay the county quarterly for the care of the prisoners of the city at the rate set forth in the resolution of intention.

A certified copy of the resolution provided for in this section shall be forwarded to the clerk of the board of supervisors.

Details in board of supervisors' minutes

4104. Any board of supervisors having adopted a resolution of intention to establish an industrial farm or industrial road camp shall ascertain and enter in its minutes the following facts:

1. The number of persons sentenced to imprisonment in the county jail during the fiscal year last preceding the adoption of the resolution of intention;

2. The total number of days for which all such persons were imprisoned in the county jail during such fiscal year;

3. The number of persons sentenced from the superior court of the county to any state prison upon conviction of a violation of Section 270 or Section 270a of the Penal Code during said fiscal year;

4. The total number of days for which all persons so sentenced to state prisons were therein imprisoned during such fiscal year.

Establishing farm, etc.

4105. Upon ascertaining the facts provided for in Sections 4102 to 4104, inclusive, the board of supervisors may proceed to establish an industrial farm or industrial road camp.

Acquisitions for farm etc., land

4106. For the purpose of establishing an industrial farm the board of supervisors may acquire by condemnation, purchase, lease or donation as many acres of land suitable for agriculture as may be necessary for the purposes of the farm. Such land may be situate within or without the county and may consist of separate parcels. If the land is without the county no industrial farm may be established thereon without the consent of the board of supervisors of the county in which the land is located. The board of supervisors shall erect on such land such buildings and structures and make such improvements and institute such industries as are necessary or convenient to carry out the purposes of this article.

Personal property

4107. The board of supervisors shall secure by purchase or otherwise personal property convenient or necessary to carry out the purposes of this article. Stock, machinery, or any other property belonging to the county and in use on the county farm or elsewhere may be used on an industrial farm.

Superintendent, subordinates

4108. The board of supervisors shall employ a superintendent of an industrial farm or camp and such other subordinate persons as may be necessary for the proper administration

thereof and the keeping of the prisoners imprisoned thereon. As part of the compensation to be agreed upon for such superintendent and other persons board and lodging may be furnished.

Rules of administration

4109. The board shall also adopt rules governing the administration of a farm or camp formed under the provisions of this article and discipline thereon in furtherance of the purposes of this article, which rules shall be enforced by the superintendent and those subordinate to him.

Separate quarters for women

4110. If women are to be sentenced to an industrial farm, the board of supervisors establishing it may either provide thereon separate quarters for women prisoners, or may establish a separate industrial farm for women prisoners. Women prisoners shall have sleeping and eating quarters separate from male prisoners and shall be kept separate from the male prisoners in their employment.

Separate farm for women

4111. If a separate farm for women prisoners is established it shall be considered as a part of the industrial farm of the county within the meaning of all provisions of this article, except that none but women prisoners shall be admitted to it. A woman assistant to the superintendent of an industrial farm shall be in immediate charge of any farm established for women prisoners only.

Resolution establishing farm, etc

4112. When land has been acquired and such buildings and structures erected and improvements made as may be immediately necessary for the carrying out of the purposes of this article or arrangements have been made for an industrial road camp or camps, the board of supervisors shall adopt a resolution proclaiming that an industrial farm or road camp has been established in the county and designating a day on and after which persons will be admitted to such farm or camp. Certified copies of the resolution shall be forwarded by the clerk of the board of supervisors to each justice of the peace in the county and to the clerk of each incorporated city which has expressed the desire that its prisoners be cared for by the county on a farm or camp.

Notification to judges, etc

4113. The clerks of the incorporated cities upon receiving certified copies of the resolution as provided in Section 4112 shall immediately notify the judges of the police courts and city recorders within their respective cities that an industrial farm or camp has been established in the county and that a contract has been entered into between the city and the county for the custody and care by the county of certain persons sentenced to imprisonment by any of the courts of the city, and that on and after the date designated in the resolution prisoners may be admitted to the farm or road camp by the county classification committee.

County classification committee

4114. Each county which establishes an industrial farm or camp shall provide a county classification committee, which shall function as follows:

(1) The sheriff shall appoint the members of this committee, which may include members of his staff and qualified citizens

of the county. If there is a county jail physician, he shall be an ex officio member of this committee. All committee members shall serve without remuneration.

(2) The committee shall meet at least once weekly for the purpose of assigning each person who has been sentenced to the county jail to the proper degree of custody and treatment within one of the available adult detention facilities operated by the county. Any person assigned to medical treatment may decline such treatment and provide other care or treatment for himself at his own expense.

(3) Each county prisoner serving a jail sentence of over 30 days shall appear before the committee during the first third of his sentence.

(4) City prisoners who have been recommended to the committee by the chief of police may be transferred to the county industrial farm or camp at the option of the committee.

Initial place of detention

4115. The county jail shall serve as the initial place of detention for all adult persons committed to the custody of the sheriff, except city prisoners who are transferred to a farm or camp by the county classification committee.

Commitments

4116. No person shall be committed directly by any court to a county industrial farm or camp except as provided in the Welfare and Institutions Code. All other commitments shall be made to the sheriff for placement in such county adult detention facility as the county classification committee may designate.

Transfers

4117. No person shall be transferred to an industrial farm or camp unless he has appeared before the county classification committee and has been assigned to that facility.

City use of county farm or camp

4118. The legislative body of any incorporated city located in a county which has established an industrial farm or industrial road camp may adopt and forward to the board of supervisors a certified copy of a resolution stating that the city desires to have its prisoners cared for on the industrial farm or camp and agrees to pay therefor quarterly at a rate per prisoner per day, which rate shall be set forth in the resolution.

Acceptance by county

4119. At its option the board of supervisors may adopt a resolution stating that the county will care for the prisoners of the city on its industrial farm or camp at the rate set forth in the city's resolution specified in Section 4118. A certified copy of the resolution provided for in this section shall be forwarded to the clerk of the city named therein, who shall immediately notify the chief of police of the city.

Thereafter, the chief of police of the city, or his representative, shall meet regularly with the county classification committee for the purpose of determining the eligibility of certain city prisoners for transfer to a county industrial farm or camp. The committee shall consider for transfer only those city prisoners who have been selected and recommended for transfer by the chief of police. In each case, the committee may transfer or reject such prisoners as it sees fit.

Discharge, transportation, etc

4120. Upon the expiration of the sentence of any person imprisoned in any industrial farm or camp, he shall be discharged, and either furnished with transportation to the place where he was convicted or given a sum of money sufficient to pay his fare to such place.

Cost revenue, etc

4121. The cost of establishing and maintaining an industrial farm or industrial road camp formed under this article shall be paid out of the county general fund. Any revenue derived from such farm or camp, including that received from any city for the care of its prisoners on said farm, shall be paid into the county general fund.

Cost of transporting city prisoners

4122. The cost of transporting city prisoners to an industrial farm or camp shall be borne by the city from whose courts they were committed. All other transportation charges shall be borne by the county and paid out of the general fund.

Maintenance of transferees to county jail

4123. Any person transferred from an industrial farm or camp to the county jail shall be maintained at the jail at the expense of the county as are other prisoners in such jail.

Rates for city prisoners

4124. Each county board of supervisors may specify a rate to be charged for the care of city prisoners, which rate shall not exceed the average cost to the county of caring for one prisoner per day. In calculating this average cost, the value of the farm products used in other county institutions and in supplying the needs of paupers, incompetents, poor and indigent persons and persons incapacitated by age, disease or accident shall be deducted from the cost of maintenance, and the cost of the original investment in establishing an industrial farm shall not be included. By mutual agreement between cities and the county, the rate may be changed from time to time but at no time shall it exceed fifty cents ($0.50) per day per prisoner.

Credit for work days

4125. Each person in custody on any industrial farm or industrial road camp who is found to have any person or persons dependent on him for support, as provided in Section 4127, shall be credited with a sum not to exceed two dollars ($2) for each day of eight hours work done by him on such farm or camp. Every other person in custody on an industrial farm or camp shall be credited with a sum not to exceed fifty cents ($0.50) for each day of eight hours work done by him on such farm or camp.

Maximum credit

4126. The maximum amount per day to be credited to a person in custody on an industrial farm or camp shall be fixed from time to time by the board of supervisors and shall be as large as is justified by the production on the farm or camp but shall not exceed the sums mentioned in this article.

The superintendent of an industrial farm may by order cause an amount less than the maximum per day to be credited to any person because of lack of effort on the part of the person, the amount credited to be in proportion to the effort.

The sum to the credit of each person employed upon an industrial farm upon his discharge shall be paid him in addition to any transportation charge otherwise paid under this

article. Any person may, by written order, direct the payment of any sums credited to him under this article to any person dependent upon him or to whom he is indebted.

Payment of credit to dependents.

4127. The court by whom any person was sentenced may at any time by written order direct payment of all or any part of the sums to be credited to any such person under this article to any person or persons dependent for support on the prisoner. At the time of sentencing the court shall by making inquiry or taking evidence find whether or not any person or persons are dependent upon the defendant for support. A copy of the finding of the court shall be transmitted to the county classification committee.

Weekly payments

4128. Payments authorized under this article to be made to any person other than the prisoner may be made weekly on any day designated by the superintendent of the farm or camp.

Revolving fund, bond, etc

4129. For the purpose of making the payments designated in this article the board of supervisors shall by order provide the superintendent with a revolving fund Upon order of the board of supervisors the county auditor shall draw a warrant in favor of the superintendent of an industrial farm or camp and the county treasurer shall cash it. Thereafter the superintendent shall receive from the county general fund upon demands supported by receipts all sums paid out by him under the provisions of this section and shall return all sums so received to the revolving fund. The board of supervisors shall require the superintendent of an industrial farm or camp to give a bond with good and sufficient sureties in an amount not less than twice the revolving fund, conditioned upon the faithful performance by the superintendent of all his obligations and in particular the safekeeping and honest use of the revolving fund.

Productive labor

4130. So far as practicable those in custody on an industrial farm shall be employed in productive labor. The products of an industrial farm shall be used: first, to maintain the prisoners and employees on such farm; second, to supply other county institutions having need of the same with the farm's products; third, to supply the needs of paupers, incompetents, poor and indigent persons and those incapacitated by age, disease or accident with whose relief and support the county is charged.

Discipline

4131. Subject to regulations adopted by the board of supervisors the superintendent shall maintain discipline on an industrial farm. Whenever the superintendent reports to the county classification committee which assigned any prisoner to an industrial farm or camp that the prisoner refuses to abide by the rules of the farm or camp or refuses to work thereon, the committee may make an order transferring the prisoner to the county jail or city jail for the unexpired term of his sentence, and all sums credited to the prisoner shall be forfeited by him unless they have been ordered paid to some person dependent upon him. Thereafter the committee may reassign the person to the industrial farm or industrial road camp upon recommendation of the superintendent of the farm or camp.

Women separated

4132. The superintendent of any industrial farm to which any woman prisoner is sent shall keep such woman prisoner separate from the male prisoners on the farm. Employment shall be provided for the women prisoners separate from that for male prisoners.

Boundary marked, escapes, etc

4133. The boundary of every industrial farm established under the provisions of this article shall be marked by a fence, hedge or by some other visible line. Every person confined on any industrial farm who escapes therefrom or attempts to escape therefrom shall upon conviction thereof be imprisoned in a state prison for a term of not less than one year nor more than five years, or in the county jail or industrial farm for not to exceed one year. Any such imprisonment shall begin at the expiration of the imprisonment in effect at the time of the escape.

Advisory board

4134. Any board of supervisors which has established or desires to establish an industrial farm or industrial road camp may at any time appoint an advisory board to consist of not less than three nor more than five persons, one member of which shall be a penologist and one member a physician.

Duties

4135. The advisory board shall acquaint itself with the conduct of the jails in the county, keep itself informed about the administration of the industrial farm or industrial road camp, and report its recommendations and suggestions to the board of supervisors. It may visit any jail within the county, examine the records thereof, and ascertain whether or not there are any persons illegally committed to or detained at any jail.

The advisory board shall encourage recreational and educational activities on the industrial farm

Article 2. Joint County Road Camp Act

Short title

4200. This article shall be known and may be cited as the Joint County Road Camp Act.

District formed by counties.

4201. Any two or more counties may form a district for the purpose of requiring all persons confined in the county jails of such counties, under a final judgment of imprisonment rendered in a criminal action or proceeding, to perform labor on the public works or public highways in all or any of such counties, and to maintain for that purpose one or more joint county road camps in which such jail prisoners of any or all of said counties may work together.

Powers

4202 Any district organized under this article shall have and exercise the powers expressly granted in this article, together with such other powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of this article.

Initiated by board of supervisors

4203. The board of supervisors of any county may initiate proceedings proposing the creation of a joint district for the purpose of maintaining a joint county road camp or camps under the provisions of this article to be composed of two or more counties having a combined population of not less than 50,000 persons, according to the official census next preceding the formation of such district, by the adoption of a resolution reciting the following:

(1) That it will be beneficial to the public interest to create a joint district wherein persons confined in any county jail within such district under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public works or ways within said district, and that a joint county road camp or camps be established and maintained for that purpose.

(2) The names of the counties proposed to be included in the proposed district which will be benefited by the formation thereof.

(3) That it is proposed to create a joint district for the establishment and maintenance of a joint county road camp under the provisions of this article composed of the counties so named.

Copies of resolution to counties

4204. When adopted certified copies of the resolution provided for in Section 4203, shall be transmitted to the several clerks of the boards of supervisors in each of the counties named in the resolution other than that in which the proceedings are initiated.

Upon the adoption of the resolution provided for in Section 4203, the board of supervisors of the county adopting the same shall name and appoint a member of the board to represent the county upon the board of directors of the joint district proposed to be organized.

Resolution of approval

4205. Upon receipt of the resolution adopted under Section 4203, the boards of supervisors of the counties affected and to whom the same may be directed shall consider the advisability of creating and organizing a joint district as proposed in said resolution and, upon determining the facts involved therein, shall severally adopt resolutions either rejecting or approving the proposal to create such joint district. Each resolution of approval shall, in addition to the matter otherwise required therein, also name and appoint the member of the board of supervisors of the county adopting the resolution qualified to represent such county upon the board of directors of the proposed joint district. A certified copy of the resolution of approval shall be forthwith transmitted to the clerk of the board of supervisors initiating the proceedings.

Declaration of creation and organization

4206. The board of supervisors of any county initiating proceedings for the creation of a joint district under this article shall, after the receipt of a copy of the resolution approving the proposal to form such district as provided in Section 4205 from the board of supervisors of each county proposed to be included within any such joint district, adopt a resolution declaring the creation and organization of said joint district and setting forth the names of the counties composing said district A certified copy of the resolution shall be transmitted to and filed with the Secretary of State, whereupon the joint district shall be deemed created and organized and shall exercise all the powers granted in this article and shall bear the name and designation of "Joint County Road Camp District No. _____ of the State of California."

Districts numbered

4207. All districts organized under this article shall be numbered in the order of their creation, the number to be assigned to said district forthwith upon the organization thereof by the Secretary of State, and the Secretary of State shall keep and maintain in his office a list and register showing the joint county road camp districts organized under this article.

Certificate of organization

4208. The Secretary of State shall furnish and transmit to the clerk of the board of supervisors of the county adopting the initial resolution for the organization of any district under this article a certificate of the organization of the same. Upon receipt of the certificate the clerk shall within 10 days send a certified copy of the certificate to each of the clerks of the several boards of supervisors of the counties constituting the district, and shall also within the time specified in this section notify each supervisor appointed as a member of the board of directors of the district of such fact and of the time and place of the first meeting of the board of directors of the district. The time and place of the meeting shall be fixed and determined by the clerk of the board adopting the initial resolution, but said time of meeting shall be within 30 days after the date of mailing notices thereof. The necessary expense incurred by supervisors in attending and in going to and coming from any meeting of the board of directors of the district shall constitute a county charge of their respective counties.

Board of directors

4209. The body formed under Section 4208 shall be called the board of directors of such district.

Apportionment of cost

4210. The delegates from each county may enter into an agreement with the other counties for and on behalf of the county appointing them, binding said counties to the joint enterprise provided for in this article and apportioning the cost of establishing and maintaining a road camp or camps, such cost to be apportioned on the basis of the population of the respective counties as determined by the official declaration of the State Legislature determining the population of counties next preceding such apportionment.

Debt against county

4211. All sums found due from any county according to the provisions of this article are a debt against said county, and may be collected in the manner provided by law by the said board of directors of a district formed under this article, or, in its behalf, by the board of supervisors of any county in the district by an action instituted and tried in any county in the district in which the same may be first filed.

Equipment, food, etc., supervision

4212. The board of directors may establish the road camp or camps provided for in this article, and may furnish such camp or camps with the necessary personnel and equipment to transport, feed, clothe, shelter and lodge the prisoners who shall work therein and with the necessary hand tools and appliances for their work, and may employ one or more persons to supervise the camp and the work of the prisoners.

Cash revolving fund

4213. Each county in a district formed under this article shall pay from its general fund its proportionate share to the board of directors of such amount as the board may designate

to constitute a cash revolving fund to carry on the work and expense of maintaining such camp or camps. Each month a statement of the expense of the camp shall be sent to the board of supervisors of each county in the district, together with a claim for its proportionate share of expenses. Amounts when received shall be paid into the cash revolving fund.

Parole to county road camp

4214. Within 15 days after any person is confined in the county jail of any county within a district under a final judgment of imprisonment rendered in a criminal action or proceeding, the county parole commissioners of such county shall meet and determine whether he should be paroled to work in the joint county road camps established under this article. If it appears to the commissioners that a prisoner is a fit subject for parole to a camp formed under this article, they shall forthwith parole him with the requirement that he perform labor in such joint county road camp wherever it may then be situated, or may thereafter be moved to during his term of imprisonment, and he shall forthwith be transferred by the sheriff of the county in which he is confined to said road camp at the expense of the county in which he was sentenced to imprisonment.

Contracts to employ prisoners on highways, etc.

4215. The boards of directors of joint county road camp districts may contract with the State Department of Public Works for the employment of jail prisoners in the construction, improvement, or maintenance of any portion of any state highway now existing, to be constructed, or under construction within said district and may also contract with any board of supervisors or with any supervisor of any road district, within said district, for the employment of jail prisoners on any county road or county public work within any county or road district lying within any district created under this article.

Payment for work on state highways

4216. When the prisoners of a road camp are engaged in the construction or maintenance of any portion of the state highway the expense of maintaining them together with the compensation of such prisoners fixed by the board of directors as provided in this article, and the expense of supervision and maintenance of the road camp and the prisoners thereof, shall be paid for by the district and the State Department of Public Works upon such terms and in such proportions as may be agreed upon by the Department of Public Works and the district.

Funds to be used

4217. Any money expended by the Department of Public Works under the provisions of this article shall be taken from any funds available for the construction or maintenance of the highway upon which the prisoners of the district labor.

Contracts

4218. The State Department of Public Works may contract with the boards of directors of the joint districts created under this article for all the purposes stated in this article.

Construction of county roads, works, etc.

4219. When a joint road camp, and the prisoners thereof, are employed in the construction or maintenance of any county way, road or public work, the total expense of maintenance, operation and supervision, of said camp, and the compensation of the prisoners thereof shall be paid for from any funds which

may be available for the construction or maintenance of such road, highway or other public works on which said prisoners are employed, or from the county general fund upon a four-fifths vote of the board of supervisors of said county.

Warrants

4220. All payments provided for in Section 4219 shall be made by warrants drawn on the proper fund in favor of "Joint County Road Camp District No. _____" (inserting the number assigned by the Secretary of State), and shall become a portion of the revolving fund provided for in this article.

Apportionment of surplus fund

4221. Whenever the revolving fund provided for in this article after payment of all bills due against a district exceeds twenty thousand dollars ($20,000) or exceeds such lesser sum as the board of directors shall determine to be a sufficient working fund for the purposes of this article, the board shall apportion such surplus to be repaid to the counties forming the district, in the same proportion in which they are required to contribute to the revolving fund in the first instance, the payments to go into the county general funds of such counties.

Rules of conduct, compensation

4222. The board of directors may make such rules as it deems proper for the government of camps and the conduct of prisoners therein and may fix a reasonable compensation, not to exceed seventy-five cents ($0.75) per day, for each prisoner performing labor in a camp.

Prisoners Cost of tools

4223. Each prisoner shall be charged with the cost of all tools and appliances for the performance of labor which are furnished to him, and upon his release or discharge from a camp, he shall deliver to the superintendent thereof all tools and appliances for which he is charged and shall thereupon be entitled to full credit for the cost of the tools and appliances so returned. The cost of any appliances and tools not returned as provided in this section shall be deducted from the compensation due the prisoner.

Sums earned

4224. All sums earned by any prisoner may be retained until he has completed his sentence, or until he is released or discharged, and shall thereupon be paid to him. If any prisoner has dependents, his compensation shall be paid to such dependents monthly as earned.

Separate road camp district

4225. The board of supervisors of any county not included within any joint county road camp district, and having a population of 150,000 or more persons, may establish and maintain a county road camp as provided in this article, and may provide a board of directors thereof, by passing the resolution and receiving the certificate of organization provided for in this article.

Directors, etc

4226. The board of supervisors of any county covered by Section 4225 shall nominate three of its members to serve as directors of the district formed thereunder, and such directors shall have and exercise all the powers and perform all the duties granted to and imposed by this article upon boards of directors of joint county road camp districts, and such county shall constitute, and be recognized and dealt with in all respects as a

joint county road camp district within the meaning of this article.

4227. A joint county road camp district formed under this article may be dissolved in the following manner: Dissolution

1. The board or boards of supervisors of a county or counties containing more than fifty percent (50%) of the population of the entire district shall by a unanimous vote adopt a resolution stating that the existence of a county road camp is no longer desirable for the public welfare and announcing the intention to withdraw therefrom and to dissolve said district.

2. The resolution or resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all the counties comprising the district and also to the Secretary of State.

3. If it appears that the resolution was unanimously adopted by the board or boards of supervisors in the counties desiring to withdraw, and that such county or counties contain more than fifty percent (50%) of the entire population in the district, the Secretary of State shall thereupon certify to the clerks of the boards of supervisors of the counties composing the district that the district is dissolved.

4. Thereupon the board of directors of the district shall within 90 days:

(a) Abolish the road camp or camps;

(b) Return all prisoners therein to their respective county jails;

(c) Dispose of all equipment belonging to said camp or camps and the district;

(d) Render an accounting to the clerks of the boards of supervisors of the counties composing such district of all sums of money received and paid out since their last previous accounting, including the balance of revolving fund on hand at said last previous accounting;

(e) Apportion and repay to said counties all sums of money then remaining in their hands, and they shall thereupon be relieved of further responsibility in said matter.

SEC. 2. The following statutes are hereby repealed: Chapter 843 of the Statutes of 1921, Chapter 299 of the Statutes of 1935, Chapter 252 of the Statutes of 1939, and Chapter 1390 of the Statutes of 1949. Repeal

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CHAPTER 70

An act to codify Chapter 1563 of the Statutes of 1951, relating to notification of release from custody of persons convicted of arson, by adding Article 1 to Chapter 2 of Title 1 of Part 4 of the Penal Code, and repealing Chapter 1563 of the Statutes of 1951.

[Approved by Governor April 3, 1953. Filed with Secretary of State April 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Article 1 is added to Chapter 2 of Title 1 of Part 4 of the Penal Code, to read:

CHAPTER 2. CONTROL OF CRIMES AND CRIMINALS

Article 1. Release of Persons Convicted of Arson

Convicted arsonists Notice prior to release

11150. At least 15 days prior to the release of a person convicted of arson from an institution under the jurisdiction of the Department of Corrections, the Director of Corrections shall notify the State Fire Marshal and the State Bureau of Criminal Identification and Investigation in writing. The notice shall state the name of the person to be released, the county in which he was convicted and, if known, the county in which he will reside.

Notice after release

11151. Within five days after release of a person convicted of arson from an institution under the jurisdiction of the Department of Mental Hygiene, the Director of Mental Hygiene shall send the notice provided in Section 11150.

Notice to fire departments

11152. Upon receipt of a notice as provided in Sections 11150 or 11151, the State Fire Marshal shall notify all regularly organized fire departments in the county in which the person was convicted and, if known, in the county in which he is to reside and the State Bureau of Criminal Identification and Investigation shall notify all police departments and the sheriff in such county or counties.

Repeal

SEC. 2. Chapter 1563 of the Statutes of 1951 is hereby repealed.

CHAPTER 71

An act to codify Chapter 377 of the Statutes of 1923 by repealing said chapter and adding Section 330.26 to the Civil Code, relating to water stock certificates.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 330.26 is added to the Civil Code, to read:

Water stock Transfer of property

330.26. Whenever the owner of real property to which water stock by the terms of the certificate thereof is attached or appurtenant at the time of conveyance, by properly executed conveyance, transfers to another the real property with the appurtenances belonging to the property, or whenever title to the property passes by execution sale, or by foreclosure or probate proceedings, the secretary of the water company which issued the stock shall, upon exhibition to him of a deed of the land duly recorded, or the necessary court order duly recorded, issue to the grantee named in the conveyance a new certificate of stock for the number of shares attached or appurtenant to the land as shown by the books and records of the company. The secretary of the water company shall enter the name of the grantee upon the books of the company as the owner of the shares of stock and shall cancel on the books the number of former shares of stock so attached or appurtenant to the land though the land stands in the name of the grantor or of any previous owner of the land, or of any other person.

Repeal

SEC. 2. Chapter 377 of the Statutes of 1923 is repealed.

CHAPTER 72

An act to codify certain acts, relating to the organization, powers, duties, and regulation of public utilities and publicly owned utilities, by adding Chapter 3 to Part 2, Division 1 of the Public Utilities Code; by adding Division 7 to said code; and by repealing certain acts specified herein.

[Approved by Governor April 3, 1953. Filed with Secretary of State April 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 3 is added to Part 2, Division 1 of the Public Utilities Code, to read:

CHAPTER 3. PRIVATE AND MUTUAL WATER SERVICE LAW

"Mutual water company"

2725. As used in this chapter, "mutual water company" means any private corporation or association organized for the purpose of delivering water solely to its stockholders or members at cost.

"Private irrigation plant"

2726. As used in this chapter, "private irrigation plant" means a water system which is not operated by a mutual water company or by a public utility as defined in Part 1 of this division or in Chapter 2 of this part.

Delivery of water during war

2727. In order to increase the output of agricultural products in this State during the time the United States is a party to war or to a state of war, the owner of any private irrigation plant may deliver water to others, or any mutual water company may deliver water to others than its stockholders or members, with or without compensation, without becoming a public utility subject to the jurisdiction of the commission.

Regulations

2728. The delivery of water pursuant to Section 2727 is subject to the following restrictions:

(a) Until a mutual water company fills the water orders of its stockholders or members pursuant to its constitution, bylaws, or rules, it shall not deliver water to others.

(b) The temporary service authorized by Section 2727 shall not continue for more than six months after the war need has ceased.

(c) Before any temporary service of water is made a statement shall be filed with the commission stating the private irrigation plant or mutual water company rendering the service, the party receiving it, the land irrigated, and the rate, if any, charged for the service.

SEC. 2. Division 7 is added to said code, to read:

DIVISION 7. PUBLIC UTILITY DISTRICT ACT

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

Short title

15501. This division may be cited as "The Public Utility District Act."

Construction

15502. Unless the context otherwise requires, the provisions of this article govern the construction of this division.

"District"

15503. "District" means a public utility district formed pursuant to this division.

"Board"

15504. "Board" means the board of directors of a district.

Definitions

15505. "Elector," "voter," or "qualified elector," means a voter whose name appears on the great register of the county in which the district is located, or any supplement thereto, allowed by law to be used to determine the eligibility of persons to vote at municipal or county elections, and whose address as it appears on the great register or supplement is in the same unincorporated territory as the address given by him on the certificate or petition that is signed by him.

"Original and primary proposition"

15506. "Original and primary proposition" means the proposition to incorporate the proposed district with all of the proposed territory joining in the proceedings and mentioned and described in the several petitions presented by the electors

Article 2. General Provisions

Great register, etc., evidence

15531. The great register or supplement thereto, and certificates in due form of notaries public or verification deputies acknowledging the signature of any voter to any petition or certificate pursuant to this division, are sufficient evidence for all purposes of this division.

Scope of division

15532. Nothing in this division shall be construed as repealing or modifying the provisions of any other law relating to public utility districts, except insofar as the provisions of such other law are inconsistent with the provisions of this division.

District annexed by city

15533. Whenever all the territory comprising a district becomes part of a city, the legislative body of the city succeeds to the powers of the board of directors of the district and is thereafter for all purposes the board of directors. All property, records, and documents of the district shall be transferred and conveyed by the board of directors to the legislative body of such city.

Chapter 2. Formation of Districts

Article 1. Petition for Formation

Unincorporated territory District incorporated

15701. A district may be incorporated and managed in unincorporated territory pursuant to this division and may exercise the powers expressly granted.

Petition to organize

15702. Whenever the people of unincorporated territory desire to organize a district, they shall present to the board of supervisors of the county within which the territory is situated a petition describing the territory, and signed by electors of the territory equal in number to 15 percent of all votes cast for all candidates for Governor within the same territory at the last preceding general election at which a Governor was elected.

Contents of petition

15703. The petition may consist of any number of separate instruments, all of which shall constitute one petition. A sepa-

rate petition is required from each unit of the proposed district. All unincorporated territory participating in the proceedings and situated in one county is a unit for purposes of the proceedings. No elector within any one unit of the proposed district shall sign a petition of any other unit of the proposed district.

Description of land, etc

15704. Each petition shall name or describe the territory within which the electors signing it reside. Every petition shall set forth the boundaries and name of the proposed district, which shall include the words "public utility district." Every petition shall contain a prayer that a public utility district comprising all of the proposed territory, or such portions thereof as are designated in the petitions as essential to its formation, be incorporated pursuant to this division. Every elector signing a petition shall write his address opposite his signature.

Verification, certification

15705. The clerk of the board of supervisors shall immediately examine and verify the signatures to the petition and certify the result of the examination to the board of supervisors.

Supplemental petition

15706. If the county clerk, by his certificate, finds that a petition is insufficient, he shall certify to the number of additional signatures of qualified electors required to make the petition sufficient, and the petition may be amended by a supplemental petition filed within 10 days from the date of the certificate. Within 10 days after a supplemental petition has been filed, the county clerk shall examine it and certify to the result of such examination If this certificate shows the petition as amended to be insufficient, it shall be filed by the clerk in his office and kept as a public record, without prejudice to the filing of any other petition to the same effect not less than six months thereafter. If the certificate shows the petition or petition as amended to be sufficient, the clerk shall present it to the board of supervisors without delay with his certificate attached and properly dated.

Qualified voters

15707. If a supplemental petition is filed, all signatures appended to the petition and to the supplemental petition shall be considered in determining the number of qualified electors signing the petition.

Petition final after election

15708. After the election for the incorporation of the proposed district, the sufficiency of the petition in any respects shall not be subject to judicial review or otherwise questioned

Incorporation by board of supervisors

15709. Nothing in this division shall be construed to prevent a board of supervisors from responding to a petition by passing at any regular meeting an ordinance declaring that the public interest requires the incorporation by the unincorporated territory of a district under this division, comprising such unincorporated territory, and stating the name of the proposed district, which shall include the words "public utility district." Such ordinance shall provide for the submission of the proposition by the board of supervisors to the electors of the unincorporated territory at a special election.

Article 2. Hearing

Time for hearing

15731. By resolution each board of supervisors to which a petition is presented shall fix a time for a hearing, which shall be within 15 days after final publication of notice.

Publication

15732. Within 10 days after a petition is presented to it, the board of supervisors shall publish a copy of the petition, and a notice that the petition will be heard by the board at the time and place designated by the resolution.

Adjournment

15733. The hearing may be adjourned from time to time for the determination of facts, not exceeding two weeks in all.

Defects

15734. If the signatures attached to the petition are sufficient, no defect in the contents of the petition or in the title to or form of the notice shall vitiate any proceedings thereon.

Newspaper publication

15735. The publication of notice shall be for at least 10 consecutive times in a daily newspaper of general circulation, printed, published, and circulated in the respective unit of the unincorporated territory, or if no such newspaper is printed, published, and circulated in the territory, in a daily newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of the territory; or if there is no such daily newspaper, for at least three consecutive times in a weekly newspaper of general circulation similarly printed, published, and circulated.

Petition to exclude property

15736. At the hearing or at any time prior thereto, any owner of taxable property within the proposed district may file a petition with the board of supervisors asking that the property described in the petition be excluded from the proposed district. If the board, after hearing, finds the described property will not be substantially benefited by its inclusion in the district, it may exclude such property. At the hearing the board shall make such changes in the proposed boundaries as it deems advisable and shall define and establish the boundaries.

Adjoining land

15737. Any person owning land adjoining any land described in the petition, upon his verified application, in the discretion of the board, may have his land included within the proposed district.

Procedure at hearing

15738. At the hearing the board shall determine whether or not the petition complies with the requirements set forth in this division and whether or not the notice has been published as required, and shall hear all competent and relevant testimony offered in support of or in opposition to the petition. If the board determines and finds from the evidence taken at the hearing that the proposed district as its boundaries are described in the petition or as changed by the board is uneconomic or infeasible, it may dismiss the petition, but, if the board determines and finds that the petition complies with the law and that the proposed district is economic and feasible, it shall call an election to be held in the proposed district for the purpose of determining whether or not the district shall be organized.

Article 3. Election

15761. The special election shall be called by ordinance by each board of supervisors. The ordinance shall specify the purpose and time of the election, establish the election precincts, and designate the polling places and the names of the election officers for each precinct. The election shall be held not less than 20, nor more than 40, days after completion of publication of the ordinance. Special election called

15762. The ordinance calling the election shall be published five times in a daily newspaper, or twice in a weekly newspaper if there is no daily newspaper, printed, published, and circulated in the unincorporated territory. If no newspaper is printed, published, and circulated in the territory, the ordinance shall be published in a daily or weekly newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of the territory. The notice of election shall also be posted in at least two public places in each precinct within each unincorporated territory in which the election is held for at least 10 days prior to the election. Publication

15763. The election shall be held and conducted, the returns canvassed, and the result declared by the board of supervisors in the manner provided by general law for such elections in the particulars in which provision is made therefor, and in all other respects in the manner provided by law for the holding of special elections within such counties. Election procedure

15764. The proposition submitted at the election shall be stated upon the ballot substantially as follows: Ballot form

"Shall _____ public utility district (naming it) be organized pursuant to Division 7 of the Public Utilities Code.

Yes ☐
No ☐"

15765. Within five days after the result of the election is declared, and the order is made where required, the chairman of the board of supervisors of each county in which the election is held shall make and execute a certificate, signed by him as such official and authenticated under the seal of the county, setting forth the proposition submitted to the electors, the fact of such submission, and the result of the election as so declared The certificate shall be made and executed in duplicate, and shall be delivered in duplicate without delay to the board of supervisors of the county in which the proposed district, or the greater part of its population, is situated, or to the clerk of such board. Certificate of results

Article 4. Establishment of the District

15791. The board of supervisors receiving the certificates delivered pursuant to Section 15765 shall meet and examine them within three weeks after all the elections are held If it appears from the certificates that a majority of the votes cast at the election in each unincorporated territory in which such elections are held is in favor of the incorporation of the Formation upon majority approval

district, the board of supervisors shall so declare and shall state by order entered in its minutes the name and boundaries of the district, and that the district is formed pursuant to this division.

Majority disapproval

15792. If it appears from the certificates that a majority of the electors voting at the election has voted against the formation of the district, the proceedings shall fail entirely.

Certificate and order attached

15793. When the board of supervisors has completed its examination of the certificates, and has made the order provided in Section 15791, it shall forthwith attach together the duplicate certificates in two rolls, each roll to contain one of each of the certificates and a copy of the order of the board of supervisors, duly certified under the hand and official seal of the clerk of the board of supervisors.

Filing with Secretary of State

15794. The board of supervisors shall immediately deposit one roll for filing in the office of the Secretary of State, and cause the other roll to be recorded in the office of the recorder of each county in which any part of the district is situated and filed in the office of the county clerk of the county in which the district, or the greater part of its population, is situated.

Secretary of State's certificate

15795. Upon the receipt of the duplicate roll the Secretary of State shall issue his certificate reciting that it is filed in his office and that the public utility district, naming it, is incorporated as a district pursuant to this division. The certificate shall be forwarded to the board of supervisors and by it held and delivered to the board of directors of the district after the election and organization of the board of directors

No charges

15796 No charge shall be made by either the Secretary of State or any county recorder or county clerk for the services required of him under this article.

When incorporated

15797. From and after the date the duplicate roll is filed with the Secretary of State, the district is incorporated as a public utility district, with all the rights, privileges, and powers set forth in this division.

Article 5. Contest of Incorporation

Contesting incorporation

15821. No informality in any proceeding or in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any district. Any proceedings wherein the validity of incorporation is sought to be denied shall be commenced within 20 days after the date of the certificate of incorporation, otherwise the incorporation and the legal existence of the district, and all proceedings in respect thereto, shall be held valid and in every respect legal and incontestable.

Jurisdiction, procedure, etc

15822. Any such contest shall be brought in the superior court of the county where the district, or the greater part of its population, is situated. If more than one contest is pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try the contest and determine upon the hearing whether the election was fairly conducted and in

substantial compliance with this division, and enter its judgment accordingly. Either party to the record may appeal within 30 days from the entry of judgment, and the appeal shall be heard and determined by the Supreme Court within 60 days from the filing of the notice of appeal.

Article 6. Verification Deputies

15841. Verification deputies shall be qualified electors residing within the territory of the district or the proposed district for which they are appointed. Qualifications

15842. Verification deputies required to verify signatures to petitions for the formation of a district, or to certificates or petitions nominating candidates for election to the first board of directors of newly formed districts, shall be appointed by the county clerk of any county in which the territory of the district is situated, and verification deputies required for any other purpose after the formation of a district shall be appointed by the clerk of the district. Appointment

15843. Appointments of verification deputies shall be made upon written application of not less than five (5) nor more than ten (10) qualified electors of any territorial unit or units of the district, or the proposed district, as the case may be. The application shall state that the signers desire the appointment of the person whose name and address is given therein as a verification deputy for the purpose of taking the oaths of signers of petitions or certificates in the matter of _____. Application

15844. Verification deputies need not use a seal, and shall not have power to administer oaths for any purpose other than that for which they are appointed. Their appointment shall continue for ninety (90) days only from the date of appointment. No seal, oaths, etc., appointments

15845. Verification deputies shall not be paid, in whole or in part, directly or indirectly, out of the county treasury or the treasury of a district. No compensation

15846. Before appointment a verification deputy shall make and file with the clerk appointing him an oath as to his age, place of residence, occupation, and whether or not he is a qualified elector residing within the territory of the district, or the proposed district, for which he is appointed. Deputy's oath

CHAPTER 3. INTERNAL ORGANIZATION OF DISTRICTS

Article 1. Election of Directors

15951. At an election held in the district within 90 days after its formation a board of directors shall be elected, to consist of as many members as there are territorial units in the district and as many additional members, not less than three nor more than four, as are required to constitute a board composed of an odd number of directors. Where the district lies entirely in one county the number of directors shall be three, elected at large. Board of directors

Qualifications

15952. A director at large shall be a resident and qualified elector of the district.

Unincorporated territories

15953. All unincorporated territories situated in the same county and included within the district shall be regarded as an entirety and as a territorial unit of the district Each unit having a population of at least 5,000 is entitled to one director.

Nominations

15954. Candidates for the office of director to be elected by a unit shall be nominated from each such territorial unit, and the remaining number of directors shall be nominated from the district at large.

Directorship a separate office

15955. Each directorship is a separate office for the purpose of nomination and election, and for the filling of vacancies.

Directors at large

15956. Candidates for directors at large shall be designated in all declarations of candidacy, nominating certificates, and on all official election ballots as candidates for a particular directorship at large, in accordance with the declarations of candidacy which the candidates have filed with the county clerk or the clerk of the district, as the case may be. Each office of director at large shall be designated as "director at large" number one, number two, number three, or number four, there being as many numbers as there are directors at large to be elected.

Candidates from designated unit

15957. Candidates for director from the several territorial units entitled to one director each shall be designated in all declarations of candidacy, nominating certificates, and on all official election ballots as candidates for director from _____ unit, giving the name or other designation of the unit entitled to the office of director in accordance with the declarations of candidacy which the candidates have filed with the proper clerk.

One unit of unincorporated territory

15958 If only one unit of unincorporated territory is contained in the district, it may be designated as "the unincorporated territorial unit."

Two or more units

15959. If two or more units of unincorporated territory are contained in the district, they shall be numbered, named, and designated by the board of supervisors in charge of the election of the first board of directors, and subsequently from time to time by the board of directors of the district, as unincorporated territorial unit number one, number two, number three, and so forth, there being as many numbers as there are units in the district.

Number, name etc., of each unit

15960. The board of supervisors shall number, name, and designate each territorial unit of the district by ordinance at a regular or special meeting after the formation of the district, and in time to permit publication and taking effect of the ordinance before the earliest time when nominating certificates and declarations of candidacy for the board of directors may be filed. The ordinance shall remain in force until the board of directors of the district, by ordinance, shall number, name, and designate the territorial units.

Designation of directors

15961. Designations of directors by name or number have no significance whatever after election and qualification of the

directors or after appointment and qualification of a director appointed to fill a vacancy, but merely fix the designation and status of each such office as a separate office for the purpose of nomination and election thereto, or for filling a vacancy. Sections 15953 to 15960, inclusive, apply to the election of the first board of directors of the district, as well as to all elections of directors held by the district.

Population determination First election

15962. The population of each unit of unincorporated territory within the district shall be determined at the time of calling the election of the first board of directors by the board of supervisors calling the election and shall be stated in the ordinance calling the election and in the notice of the election. The determination shall continue in force until set aside by the board of directors of the district.

Subsequent determinations

15963. The board of directors shall determine from time to time, in their discretion, the number of inhabitants of each unit of unincorporated territory within the district and declare it by ordinance, such determination to continue in force until another determination is made.

Basis

15964. All determinations shall be based upon the last preceding census taken by the United States, or upon the last preceding census of the county in which the unit is situated if the board of supervisors has taken or caused to be taken a census of the county since the last preceding census of the United States.

Election procedure

15965. The election of directors shall be held in the unincorporated territory included within the district and shall be called by the board of supervisors of the county in which the district, or the greater part of its population, is situated, and shall be called, held, and conducted, the returns canvassed, and the result declared by the board of supervisors in the manner and form provided by law for special elections within the county.

Nominations

15966. Nominations for the office of director shall be made for the election as is provided by law for the nomination of county officers elected within counties.

Certificate of election

15967. A certificate of election shall be issued by the board of supervisors to each person elected and declared elected.

Oath and bond

15968. Immediately after receiving his certificate of election and before assuming the duties of office, each director shall take and subscribe an official oath and file it in the office of the board, and shall execute an official bond in the sum of three thousand dollars ($3,000). The bond shall be approved by a judge of the superior court of the county where the district was organized, recorded in the office of the county recorder of such county, and filed with the secretary of the board.

Form

15969. All official oaths and bonds shall be in the form provided by law for official oaths and bonds of county officers.

Failure to qualify

15970. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in the office.

Elections by board of directors

15971. Elections of directors after election of the first board shall be called and held by the board of directors, and shall be

called, held, and conducted, nominations for the office of director made, the returns canvassed, and the result declared by the board as provided in Article 6 of this chapter.

Increase in number of directors

15972. The board of directors of a district which lies entirely within one county may submit to the qualified electors, at a general election or a special election called for that purpose, a proposition to increase the number of directors from three to five. By initiative ordinance the electors of such a district may adopt legislation providing for the increase of the number of directors from three to five. The initiative proceedings shall be conducted in all respects as prescribed by general law for the initiative by electors of counties. If a majority of the electors voting at the election vote in favor of the proposition, the district shall have five directors elected at large.

Appointments

15973. Within 30 days after an increase in the number of directors has been authorized, the board of directors shall appoint two qualified electors of the district to serve as members of the board until the next biennial election, at which there shall be elected two directors in addition to the number previously authorized. After the directors elected at the biennial election have qualified, they shall meet and classify themselves so that one shall hold office for two years and the other for four years. Thereafter, there shall be elected at each biennial district election a number of directors, corresponding to the number whose terms expire, who shall hold office for four years.

Article 2. Terms and Compensation of Directors

Terms of office

16001. On the first Tuesday after their election and qualification, the directors shall meet and classify themselves by lot, so that the largest possible minority shall hold office for two years, and a majority for four years. Thereafter at each biennial district election their successors shall be elected for the term of four years.

Compensation

16002. Each member of the board shall receive such compensation as the board by ordinance provides, not exceeding three thousand six hundred dollars ($3,600) a year.

Vacancies

16003. A vacancy in the office of director from an unincorporated territorial unit shall be filled by appointment by the board of supervisors of the county in which it occurs. A vacancy in the office of a director at large shall be filled by appointment by the board of directors of the district. The officer appointed shall hold his office for the unexpired term of the director whom he succeeds, and until his successor is elected and qualified.

Recall

16004. Every incumbent of an elective office of a district is subject to recall by the voters of the district, pursuant to general law with reference to recall of county officers.

Article 3. Powers and Duties of Directors

Powers

16031. Except as otherwise provided in this division, the powers of the district shall be exercised by the board of directors.

16032. The board of directors shall choose one of its members president. President.

16033. The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board. Contracts, etc

16034. The board may from time to time contract for or employ any professional services required by the district, the board, or any officers of the district. Professional services

16035. At the first meeting of the board, after the board has qualified and organized, it shall appoint the clerk, accountant, general manager, and treasurer. Appointment of clerk, etc

16036. In lieu of appointing a treasurer, the board may elect that the duties of treasurer be performed by the treasurer of the county in which the district, or the greater part of its population, is situated. Whenever the board by ordinance so determines, such duties shall be performed by the county treasurer. The ordinance shall also prescribe the manner in which money is to be drawn out of the various funds belonging to the district in the hands of the treasurer. The treasurer shall be served with a certified copy of the ordinance. Treasurer of county appointed

16037. The board may consolidate two or more offices in the same person. Consolidation of offices

16038. The board may provide for an assistant to any officer of the district who may perform the acts his principal may perform, when authorized so to do by the board. Assistants

16039. At the first meeting after the end of each fiscal year, the board shall render and immediately cause to be published a verified statement of the financial condition of the district. Financial statement.

16040. The financial statement shall show particularly the receipts and disbursements since the publication of the last preceding statement and of the last preceding fiscal year and the source of such receipts and the purpose of such disbursements. Receipts and disbursements

16041. Publication of the financial statement shall be made at least once a week for two weeks in a newspaper of general circulation printed and published in the district, or if there is no such newspaper, in a newspaper of general circulation printed and published in a county where any part of the district is situated. Publication

16042. A neglect or refusal of the board to comply with Sections 16601 to 16614, inclusive, 16644 to 16659, inclusive, and 16467 is cause for removal from office. Neglect, etc., cause for removal

16043. No director or other officer of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived from it. Violation of this section is a misdemeanor and a director or officer convicted shall forfeit his office, and shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Interest in contracts, etc., misdemeanor

Article 4. Meetings and Legislation

Rules for proceedings, etc

16071. The board shall establish rules for its proceedings and shall provide for the time and place of holding meetings and the manner in which special meetings may be called. All legislative sessions of the board, whether regular or special, are open to the public. A majority of the board constitutes a quorum for the transaction of business.

Ordinance Resolution

16072. The board shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the board.

Enacting clause

16073. The enacting clause of all ordinances shall be:

"Be it enacted by the board of directors of _____ public utility district:".

Signatures

16074. All resolutions and ordinances shall be signed by the president of the board and attested by the secretary.

Effective date

16075. No ordinance passed by the board takes effect less than 30 days after its passage. At least one week before the expiration of the said 30 days copies of the ordinance shall be posted by the clerk at three public places in the district, and if there is a newspaper of general circulation printed and published in the district, the ordinance shall be published in the newspaper at least twice.

Prima facie proof of posting

16076. An order entered in the minutes of the board that an ordinance has been duly posted and published is prima facie proof of such posting and publication.

Expenditures

16077. All expenditures of money for the benefit of the district on any account or for any purpose, all contracts of every kind, and all tax levies for a purpose other than interest or sinking fund payments shall be first authorized by the board by ordinance, in every case when an expenditure or the amount involved in a contract exceeds one hundred thousand dollars ($100,000), or the amount proposed to be raised by a tax levy exceeds fifty thousand dollars ($50,000).

Protests of ordinance

16078. During the 30 days following passage of an ordinance pursuant to Section 16077 a petition, signed by qualified voters of the district equal to 10 percent of the entire vote cast within the district for all candidates for Governor at the last preceding general election at which a Governor was voted for, protesting against the passage of the ordinance may be presented to the board.

Verification: Supplemental petition

16079. Immediately upon receipt of a petition submitted pursuant to Section 16078 the board shall cause the clerk of the district to examine and verify the signatures, and to certify the result to the board within 10 days. If the petition is found insufficient, the clerk shall certify to the number of additional signatures of qualified electors required to make the petition sufficient, and the petition may be amended by a supplemental petition filed within 10 days from the date of the certificate.

16080. Within 10 days after the filing of a supplemental petition, the clerk shall examine it and certify to the result of his examination. Examination

16081. An ordinance is suspended from going into operation until the examination, verification, and certification are completed. Operation of ordinance suspended

16082. If a petition, or petition as amended, is certified to be sufficient the ordinance is suspended from going into operation and the board shall reconsider it. Same Reconsideration

16083. If the board does not entirely repeal the ordinance upon reconsideration, it shall submit the ordinance to a vote of the electors at a general district election or at a special district election called for the purpose, and the ordinance shall not become operative unless approved by a majority of the voters voting upon it. Ordinance submitted to electors

16084. Unless otherwise provided in this division, petitions made pursuant to this article, in the matter of form, signatures, and preparation, and the proceedings based upon them, in the matter of calling and conducting an election, the manner of voting, canvassing the return, and declaring the result shall conform as nearly as practicable to the provisions of general law relating to direct legislation or the referendum by cities. Petitions Form, etc

Article 5. Other Officers

16111. The officers of the district, other than the board of directors, are: Officers

(a) A clerk, who is also ex officio secretary of the board.
(b) An accountant.
(c) A treasurer.
(d) A general manager.

16112. The officers, other than the board of directors, shall be appointed by the board, hold office at its pleasure, and receive such compensation as is provided for by the board by ordinance. They, or any of them, shall give such bond as is prescribed by the board. They shall perform such duties as are provided by this division, and such further duties as are imposed upon them by the board. Appointment, duties, etc

16113. When the district acquires, constructs, owns, or operates two or more public utilities, a general manager may be appointed and employed for each public utility. General manager

16114. Subject to such restrictions as the board may impose, the general manager shall have full charge and control of the construction of the works of the district and of their maintenance and operation. He shall report to the board in accordance with such rules and regulations as it may adopt. Powers, duties

16115. The clerk shall countersign all contracts on behalf of the district. He shall give his full time during office hours to the affairs of the district. He is ex officio secretary of the board and shall keep a record of its proceedings. Clerk

16116. The accountant shall install and maintain a system of auditing and accounting which completely and at all times Accountant

shows the financial condition of the district. He shall draw all warrants to pay demands made against the district when the demands have been first approved by a majority of the board present at the meeting at which the demands are acted upon.

Article 6. District Elections

General district election

16151. The biennial election for the election of directors shall be held on the first Tuesday of May in each second year after the formation of the district. This election is the general district election.

Election laws

16152. The provisions of law relating to the manner of holding and conducting general elections for the election of state and county officers and the manner of nominating county officers, as far as applicable, govern all district elections, except when otherwise provided in this division.

Voter's qualifications

16153. No person may vote at any district election unless he possesses all the requirements of an elector under the general laws and is a qualified elector residing within the district.

Returns

16154. The returns of all elections shall be immediately delivered by the inspector, or by some safe and responsible carrier designated by him, to the clerk of the district, and the ballots shall be kept unopened for at least six months

Election contest

16155. Any elector of the district who believes that the votes of any precinct have not been correctly counted may contest the election in the manner and form and within the time provided by general law for contests of state and county elections. The general law relating to election contests and the recounting of ballots cast at general state and county elections is applicable, so far as practicable, to contest of district elections and the recounting of ballots

Hours

16156. By ordinance the board may provide that any election in the district shall be conducted between 1 p m. and 6 p.m. and may provide that the election officers shall be one inspector, one judge, and one clerk

Canvass

16157. The board shall meet at its usual place of meeting on the first Monday after each district election and shall canvass the returns. If all the returns have not been received, the canvass shall be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass shall be made in public and by opening the returns and estimating the vote, and declaring the result of the election.

Results

16158. As soon as the result is declared, the clerk shall enter in the record of the board a statement of the result, showing:

(a) The whole number of votes cast in the district and in each territorial unit thereof.

(b) The proposition or the names of the persons voted for.

(c) The offices voted for.

(d) The number of votes given in each precinct to each person, or for and against any proposition.

Certificate of election, etc

16159. The board shall declare elected the person having the highest number of votes given for each office. The clerk

shall immediately make out and deliver to each person elected a certificate of election, signed by him and authenticated with the seal of the board.

16160. If land is annexed to a district, the board shall re-establish the boundaries of the units and election precincts within the district not less than 30 days before any election in the district. The re-established boundaries shall include the annexed land in the same manner and with the same effect as set forth in Sections 15953 to 15964, inclusive. If land is annexed less than 30 days before an election within the district, the inhabitants of the land included shall not vote at the election. Re-established boundaries

16161. If a district election has been conducted fairly and in substantial conformity with the requirements of this division, it is not invalidated by any informality in its conduct. Validity of election

16162. Whenever a special election is called pursuant to Articles 1 or 2 of Chapter 5 for the purpose of submitting to the electors a proposition, the board shall pass an ordinance calling the election. Special election Calling

16163. At the special election all propositions formulated pursuant to Articles 1 or 2 of Chapter 5 may be submitted to the electors of the district, but no question other than such propositions shall be submitted. Submission of propositions

16164. The ordinance calling the election shall set forth the following: Provisions of ordinance

(a) The purposes for which it is called.

(b) The estimated cost of each utility or utility works proposed for acquisition, construction, or completion by the district.

(c) The proposed method and manner of payment.

(d) The day on which the election will be held.

(e) The manner of holding the election.

(f) The manner of voting for or against each proposition submitted to the electors.

(g) If it is necessary to incur a district indebtedness for any utility or public utility works therein proposed, the objects and purposes for which the indebtedness is proposed to be incurred, and that bonds of the district shall issue for the payment of the cost of such utility or public utility works, if the proposition is accepted by the electors.

16165. The election shall be held as provided for holding elections in the district. Holding

Article 7. Employees

16191. The maximum time of labor or service required of any laborer, workman, or mechanic employed upon any work of the district, whether employed directly by the district and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day, except in case of emergency. Maximum hours, laborers, etc

16192 The board shall fix the hours of labor or service required of all employees of the district, and their compensation and shall employ all necessary employees or may by ordinance Employees, hours, etc., compensation

provide for their employment by the several officers of the district.

Classification of employment

16193. The board shall classify all places of employment under the district and its offices and departments, with reference to the examinations provided by this article, except as provided in Section 16196. The places classified by the board are the classified civil service of the district, and appointments to civil service places shall be made according to the rules provided by this article.

Civil service system

16194. The board shall make rules to effect a civil service system, and for examinations, appointments, promotions, and removals, and from time to time may make changes in existing rules. All rules and all changes shall be forthwith printed for distribution by the board.

Examinations

16195. Examinations shall be practical, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions which they seek, and shall include, when appropriate, tests of manual or professional skill. The selection of laborers shall be governed by priority of application as far as practicable. No question in any examination shall relate to political or religious opinions or affiliations. The board shall control all examinations

Exemptions

16196. The manager, engineer, clerk, accountant, and treasurer shall not be included within the classified civil service of the district.

CHAPTER 4. POWERS AND FUNCTIONS OF DISTRICTS

Article 1. Corporate Powers

Perpetual succession

16401. A district has perpetual succession.

District as plaintiff and defendant

16402. Except as otherwise provided, a district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Adoption of seal

16403. A district may adopt a seal and alter it at pleasure.

Eminent domain

16404. A district may exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use and may take any property necessary or convenient to the exercise of the powers granted in this division, whether such property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right to condemn property the district has the same rights, powers, and privileges as a municipal corporation.

Condemnation proceedings

16405. A district may proceed in the name of the district in condemnation proceedings.

Contracts, etc

16406. A district may make contracts, employ labor, and do all acts necessary and convenient for the full exercise of its powers.

Improvement districts

16407. A district has the same powers with reference to improvement districts as are conferred upon irrigation districts by Division 11, Part 7 of the Water Code.

16408. Improvement districts also may be formed of land proposed to be annexed to the district, contingent upon the annexation being completed. The petition for annexation may request that the land to be annexed shall be included in and form a part of any improvement district existing within the district or shall constitute a new improvement district within the district when annexed or the board of directors of the district may determine, as one of the terms and conditions for the annexation, that the land shall be included in and form a part of any improvement district then existing within the district or shall constitute a new improvement district when annexed. Petition for annexation, etc

16409. For the purpose of obtaining and supplying water for domestic, irrigation, and fire protection purposes, a district may cooperate and contract with the United States and borrow or procure money from the United States in the same manner and under the same procedures as irrigation districts under Division 11, Part 6, Chapter 2 of the Water Code. Obtaining and supplying water

Article 2. Property

16431. A district may take by grant, purchase, gift, devise, or lease, or otherwise acquire, hold and enjoy, and lease or dispose of, real and personal property of every kind within or without the district, when in the judgment of the board it is for the best interests of the district so to do. Property acquisitions

16432. The legal title to all property acquired under this division vests immediately and by operation of law in the district, and is held by the district in trust, and is dedicated and set apart to the uses and purposes set forth in this division. Vesting of title

Article 3. Utility Works and Services

16461. A district may acquire, construct, own, operate, control, or use, within or without or partly within and partly without the district, works for supplying its inhabitants with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter, and may do all things necessary or convenient to the full exercise of the powers granted in this article. Utility works etc

16462. A district may also purchase any of such commodities or services from any other utility district, municipality, person, or private company, and distribute them. Purchases from utility district, municipality, etc

16463. A district may acquire, construct, own, complete, use, and operate a fire department, public parks, public playgrounds, public swimming pools, public recreation buildings, and buildings to be used for public purposes. For the purposes of this division all of the foregoing projects shall be considered a public utility or public utility works. Ownership, etc., of parks, etc

16464 A district may construct works across or along any street or public highway, or over any land which is the property Works along highways, etc

of the State, and has the same rights and privileges appertaining thereto as are granted to cities within the State.

Works across stream, etc.

16465. A district may construct its works across any stream of water or watercourse.

Use of streets, etc

16466. A district using a street or highway shall restore it to its former state as near as may be, and shall not unnecessarily impair its usefulness.

Revenue producing utilities

16467. Only revenue producing utilities shall be acquired, owned, or operated by a district. So far as possible the board shall fix such charges for commodities or service furnished by any revenue producing utility as will pay all of the expenses of the government of the district, or such portion as the board determines justly apportionable to such utility. The expenses to be paid include:

(a) Salaries, office expenses, and other necessary disbursements.

(b) The operating expenses of the utility.

(c) The interest on any indebtedness incurred for the acquisition, construction, and completion of the utility.

(d) Provisions for a sinking or other appropriate fund for the payment of the principal of such debt as it becomes due.

(e) Provisions for an appropriate fund for repairs, replacements, and betterments.

It is the intention of this section that a district pay all of such charges and expenditures and the interest and principal of its debt from the revenues derived by the district from the operation of its public utilities, and that each public utility owned and operated by a district shall be self-sustaining.

Charges for commodities payable in advance

16468. Charges fixed by the board for commodities or services furnished may be made payable in advance

Assessment for unpaid charges

16469. Charges unpaid at the time specified for the fixing of the rate of taxes may be added to and become part of the annual assessment levied upon the land upon which the commodity or service was used, if the property is owned, controlled, or in the possession of the same person who owned, controlled, or was in possession of it during the time such service charges were incurred or if the only transfers made of the property since the date such charges were incurred have been transfers by gift, descent, bequest, or devise.

Charges as lien

16470. Charges added to an assessment are a lien on the land

Assessment payable in installments

16471. If the assessment is divided and made payable in two installments, the unpaid charges may be added to and become a part of the first installment of the assessment.

Statement of charges

16472. When the board declares that charges are to be added to the annual assessment and the district is availing itself of assessments made by the assessor of any county in which the district is situated, the board shall include in the statement of the tax rate to be transmitted to the county auditor the amount of each of the charges to be levied, and the auditor shall make the charges a part of the assessment in accordance with the statement.

16473. Whenever there is a surplus of available water, light, heat, or power above that which is required by the inhabitants or municipalities within the district, the district may sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations. Disposal of surplus water, etc

16474. Whenever any of the facilities, works, or utilities of all or part of a district is not used or employed to its fullest capacity for the benefit or requirements of the district or its inhabitants, the district may employ such surplus facilities to supply any of its public utility services outside the boundaries of the district upon such terms and conditions and under such agreement as its board determines is for the best interests of the district. Any public utility service supplied by a district outside its boundaries shall not exceed in amount the same type of public utility service supplied by the district within its boundaries. Surplus facilities

Article 4. Repairs and Other Work

16501. If the cost of any proposed work of the district exceeds one thousand dollars ($1,000), the board shall adopt plans and specifications, strain sheets, and working details and shall advertise for bids for such work in accordance with the plans and specifications so adopted. Bids required

16502. All bidders shall be afforded an opportunity to examine such plans and specifications, and the board shall award the contract to the lowest responsible bidder. The plans and specifications adopted shall be attached to and become part of the contract. Examination of specifications

16503. The person or corporation to whom the contract is awarded shall execute a bond, to be approved by the board, for the faithful performance of the contract. Bond

16504. In cases of great emergency, by the consent of at least two-thirds of its members, the board may at once do or cause to be done without notice all repair or replacement work necessary to meet the emergency. Emergency repairs, etc

16505. Nothing in this article prohibits the board from doing or causing to be done directly by the district, and without any contract, any or all work necessary or proper in or about the making of all current and ordinary repairs or in or about current and ordinary upkeep or maintenance. Current, ordinary repairs

16506. Upon the determination of the board by an affirmative vote of two-thirds of its members that all bids submitted are unsatisfactory or are excessive, the district may do any necessary and proper work and make any necessary and proper expenditures in lieu of contracting for the performance of such proposed work. Excessive, unsatisfactory bids

16507. Plans and specifications when once adopted shall not be altered or changed in any manner whereby the cost of the proposed work is increased, except by a vote of two-thirds of the board. Change in plans causing increase cost

16508. A contract made under this article shall not be altered or changed in any manner, except when first ordered by a vote Alteration of contracts

of two-thirds of the board, and with the consent of the contractor. The particular change or alteration shall be specified in writing and its cost agreed upon between the board and the contractor. In no case shall the board pay or become liable to pay for any extra work done or extra material furnished.

Article 5. Purchase of Supplies and Advertising

Annual supplies, etc., determined by board

16531. Except as otherwise provided, the board shall determine annually what goods, merchandise, stores, subsistence, materials, and other supplies will be needed by the district for the ensuing year.

Advertisements for bids

16532. Except as otherwise provided in this division, the board shall annually advertise for sealed bids for furnishing the district with goods, merchandise, stores, subsistence, printing, materials, and all other supplies, and advertising. The advertisement shall be published for at least five days in a newspaper of general circulation in the county in which the greater part of the district is situated.

Articles listed separately

16533. All bids shall be upon a schedule prepared by the clerk, showing all articles needed by the district and its several offices and stating separately the price of each article to be furnished. Any person may bid upon any article separately.

Proposals for furnishing articles

16534. Notices of proposals for furnishing articles shall mention the articles in general and shall state that the conditions and schedule may be found in the office of the clerk of the district and that the articles are to be delivered at such times, in such quantities, and in such manner as the board may designate.

Certificate of deposit

16535. All proposals shall be accompanied with a certificate of deposit or certified check of 10 percent of the amount of the bid, drawn on a solvent bank within the district or the county in which the district is located, payable at sight to the order of the clerk of the district.

Failure of bidder to enter into contract

16536. If the bidder to whom the contract is awarded fails or neglects to enter into the contract and file the required bond for five days after the award, the clerk shall draw the money due on the certificate of deposit or check and pay it into the treasury of the district. Under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Printed blanks for proposals, etc.

16537. The clerk shall furnish printed blanks for all proposals, contracts, and bonds.

Acceptance, rejection of bids

16538 In considering bids the board may accept or reject all or any of them, or may accept or reject part of a bid, preference being given to the lowest responsible bidder. The award as to each article shall in all cases be made to the lowest bidder for such article.

Price of supplies

16539. All supplies furnished the district or its officers shall be furnished at a price no greater than is specified in the bid accepted by the board.

Opening of bids

16540. All bids shall be opened by the board at an hour and place to be stated in the advertisements for proposals, in the

presence of all bidders who attend, and the bidders may inspect the bids.

16541. All contracts shall be made with the lowest responsible bidder, who shall give bonds with sufficient sureties for the faithful performance of his contract. Lowest responsible bidder, bonds

16542. "Advertising" means the advertising and publication of all official reports, orders, ordinances, resolutions, notices inviting proposals, and all notices of every nature relating to work or business of the district. Advertising shall not be classified. No part or kind of advertising shall be charged or contracted for at a higher rate than any other part or kind is charged or contracted for, except in the case of the delinquent tax list. The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other advertising. A square of advertising shall be 234 ems nonpareil. "Advertising"

16543. No officer or employee of the district shall order any article or make any publication which is not expressly authorized by this division or by the board. No unauthorized ordering

16544. Unless the amount involved in the purchase at any one time of any articles for which no contract has been entered into exceeds five hundred dollars ($500), the board may purchase the articles without the necessity of advertising or letting contracts. Where the cost of any articles for which no contract has been entered into exceeds five hundred dollars ($500), the board shall advertise for sealed bids for furnishing the district such articles. In the matter of advertising, opening and accepting bids, and the letting of contracts the board shall proceed in all respects in the manner and form provided in the case of contracts for annual supplies. Purchases without advertising

Article 6. Indebtedness and Financing

16571. A district may borrow money and incur or assume indebtedness, and issue bonds or other evidences of indebtedness. Indebtedness

16572. A district may refund or retire any of its existing or assumed indebtedness. Refunding, etc.

16573. No district shall incur any funded indebtedness which in the aggregate exceeds 20 percent of the assessed valuation of all real and personal property situated within the district. Limitation

16574. The board of directors or other officers of the district shall not incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this division. Any debt or liability incurred in excess of such express provisions is absolutely void, excepting that such debt limitations may be exceeded where the district finances waterworks by means of a bond issue and makes provision to pay the indebtedness out of revenues received over a period not to exceed 30 years. Excess indebtedness void

16575. A district may issue bonds for the purpose of acquiring or constructing any waterworks necessary or proper for Waterworks Bond issues

carrying out the objects and purposes of the district, in like manner as other bonds are authorized to be issued under this division, and may pledge the revenue, income, receipts, and profits from the operation of the waterworks to the payment of the principal of and interest on the bonds. A district may, if it so elects, declare the payment thereof shall be made solely from the revenue, income, receipts, and profits.

Repair, etc., of damage by flood, etc.

16576. Notwithstanding any provision of this division limiting the amount of indebtedness which may be incurred by it, in order to repair and replace structures and equipment impaired or destroyed or both by flood, fire, earthquake, or other catastrophe, upon the unanimous vote of its board, a district may do any or all of the following:

(a) Borrow money at a rate of interest not exceeding 6 percent a year, including borrowing from the United States or any of its agencies, in a principal amount not to exceed 6 percent of the assessed value of all real and personal property situated in the district.

(b) Issue evidences of indebtedness to represent the sum borrowed.

(c) Arrange terms for the repayment of the sum borrowed.

Refinancing indebtedness

16577. A district may refinance any indebtedness incurred pursuant to Section 16576 by borrowing from the United States or any of its agencies and issuing in connection therewith evidences of indebtedness in the form and upon the terms required by the United States or its agency. The sum so borrowed shall not exceed the amount of the obligation being refinanced, and interest shall not exceed 6 percent per year. The money so borrowed for refinancing shall be used only to repay the obligation for the retirement of which the money was borrowed.

Article 7. Receipts, Accounts, and Audits

Receipts

16601. Receipts from the operation of a public utility shall be paid daily into the treasury of the district in a special fund set aside for such public utility.

Appropriations

16602. The board may from time to time make appropriations from individual public utility funds for the following purposes:

(a) The payment of operating expenses of the public utility and all or such portion of the general salary and expense fund of the district as the board determines is justly apportionable thereto.

(b) Repairs and reconstruction.

(c) Payment of interest and sinking fund on the bonds or indebtedness incurred or assumed for acquisition, construction, or completion of the public utility.

(d) Extensions and improvements.

(e) A reserve fund.

Reserve fund excess

16603. Whenever a reserve fund exceeds one-half of the payment for operating expenses in the preceding fiscal year, the board may appropriate such excess to the general fund.

16604. The books of account of the district shall show all of the following: Books of account.

(a) The true and complete financial results of the ownership and operation of each public utility.

(b) The actual cost of each public utility.

(c) All costs of maintenance, extension, and improvement, and all operating expenses of every description.

16605. The accounts of the district shall be examined at least once a year by an expert accountant, who shall report to the directors the result of his examination. He shall be employed and selected in such manner as the board directs, and shall receive for his services such compensation as the board prescribes, to be paid out of the income or revenues of the district. Annual examination

16606. Every two years the board may, and upon petition of 15 percent of the electors of the district shall, employ a qualified expert who shall with all due diligence examine and report upon the following: Biennial examination by expert

(a) The system of accounts kept by the district.

(b) All the contracts made and entered into by the board within the two years immediately preceding.

(c) The management of the utilities of the district, their operation, the service furnished, and the rates charged by the district.

(d) The properties and investments of the district.

(e) All official acts of the board relating to acquisition, construction, completion, extension, improvement, and betterment of the public utilities of the district.

(f) The efficiency and adequacy of each public utility, and of the property used in connection with it or with its operation, the reasonableness of the service and commodities furnished, and of the rates and charges therefor.

(g) All the business and affairs of the district relating to the ownership, management, and operation of each public utility of the district.

16607. The expense of employing an expert shall not exceed two thousand five hundred dollars ($2,500) at any one time, to be paid out of the income and revenues of the district, as the board prescribes. Expense limit, payment

16608. Experts shall be selected by the Public Utilities Commission, and their names and addresses certified to the board of directors of the district. Several experts may be so selected and certified. Selection by Public Utilities Commission

16609. Whenever an expert is to be employed pursuant to Section 16606, at least four months before each biennial district election the board shall request in writing the Public Utilities Commission to select and certify experts. The commission shall transmit the names of experts to the board making the request within two weeks after receipt of the request by the commission. Selection, certification of experts

16610. Within 10 days after receipt of a certification the board shall by resolution entered on its minutes employ the expert, or one of the experts selected and certified, fix the amount Compensation

of his compensation either absolutely or on a per diem basis, and notify the expert of his appointment.

Expert's recommendations, etc

16611. In his report the expert shall make such recommendations and suggestions as to him seem proper and required for the good of the district, the efficient and economical or advantageous management and operation of the public utility of the district, and the business and affairs of the district relating to such management and operation.

Additional recommendations

16612. In his report the expert shall make such recommendations and suggestions as to:

(a) The system of accounts kept, or in his judgment to be kept in connection with each public utility.

(b) The classification of the public utilities of the district and the establishment of a system of accounts for each class.

(c) The manner in which such accounts shall be kept.

(d) The forms of accounts, records, and memoranda kept or to be kept, including accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts, as in his judgment are proper and necessary.

Period of examination

16613. The expert shall enter upon his duties at least 90 days before the next impending biennial district election, and shall complete his examination and file his report at least 30 days before the election.

Expert's report

16614. The expert's report shall be made in duplicate to the electors of the district. One copy shall be filed with the board in the office of the clerk of the district, and one copy shall be filed in the office of the county recorder of the county in which the district, or the greater part of its population, is situated. The county recorder shall file, index, and keep the report as a public record in his office, and shall make no charge for such filing.

Article 8. Taxation

Taxes for operation, etc

16641. A district may levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on its operations and paying its obligations.

Farm products exempted

16642. Farm products and crops which are stored within the exterior boundaries of the district are not subject to taxation by the district.

Annual tax

16643. The board shall annually levy and collect a tax sufficient (a) to pay the annual interest on bonds, (b) to pay such part of the principal as will fall due within the succeeding year, and (c) to provide for the sinking fund payments of the next succeeding fiscal year.

When the interest and sinking fund payments for any fiscal year on bonds issued for a public utility or public utility works can be met out of the surplus earnings of such public utility, or out of moneys in the general fund of the district theretofore appropriated and transferred to the sinking fund of the public utility, no tax shall be levied for such purpose.

Levy to pay bonded debt

16644. If from any cause the revenues of a district are inadequate to pay the principal or interest on any bonded debt

as it becomes due, the board shall, or if funds are needed to carry out the objects and purposes of the district which cannot be provided out of the revenues of the district the board may, levy a tax for such purposes.

Purpose, amount

16645. The board shall state the purposes for which taxes are necessary, and shall fix by ordinance the amount of money necessary to be raised by taxation.

Manner of assessing, etc.

16646. By ordinance, the provisions of which conform to general law, the board may provide the manner of assessing and of correcting and equalizing assessments upon the taxable property situated within the district.

Delinquent taxes, etc

16647. The board may provide for the collection of delinquent taxes, penalties, interest, and costs by actions or legal proceedings brought, prosecuted, and maintained in the name of the district against the several owners of property from whom taxes are due and delinquent.

Assessments made by county assessors

16648. The board may elect to avail itself of the assessments made by the assessors of the counties in which the district is situated, and may take such assessments as the basis for district taxation It shall declare its election by ordinance and file a certified copy of the ordinance with the auditors of the counties in which the district is situated.

Effective date of election

16649. An election pursuant to Section 16648 is effective with respect to all taxes levied and assessed after February 1 next succeeding the date upon which the certified copy is filed. Thereafter all assessments shall be made and taxes collected by the assessors or tax collectors of the counties in which the district is situated until the board by ordinance elects otherwise. When the board elects otherwise, a certified copy of such ordinance shall be filed with the auditors of the counties in which the district is situated and it is effective with respect to all taxes levied and assessed after February 1st next succeeding the date upon which the certified copy is filed.

Value of property in district

16650. Upon receipt of the certified copy filed pursuant to Section 16648 the county auditors shall, on or before the second Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessment book of the counties for that year as equalized and corrected by the boards of supervisors.

Rate of taxation

16651. If the board elects to avail itself of county assessments, it shall, on the first weekday in September, or if such weekday falls upon a holiday on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each one hundred dollars ($100), using as a basis the value of property as assessed by the county assessors and returned to the board by the county auditors. The rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board are a valid assessment of the property and a valid levy of the taxes so fixed.

Statement to county auditors

16652. Immediately after fixing the rate of taxes the board shall transmit to the county auditors of the counties in which the district is situated a statement of the rate so fixed by it.

Entry in assessment books

16653. The auditors shall compute and enter in a separate column in the assessment books, headed "Utility District Tax, _____ Public Utility District (naming it)," the respective sums in dollars and cents to be paid as a district tax on the property enumerated and assessed as being in the district, using the rate of levy fixed by the board, and the assessed value as found in the assessment books.

Collection

16654. Taxes levied pursuant to Sections 16648 to 16653, inclusive, shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

Statement of expense, etc

16655. Each county auditor and tax collector shall annually file with the board of supervisors of his county itemized statements showing the additional expense to his office caused by performance of the duties imposed upon him by this article. Upon the filing of such statements the board of supervisors, by an order upon its minutes, shall deduct such expenses from the tax money of the district while in the hands of the tax collector and transfer the amount deducted into the county salary fund. Not more than one-half of 1 percent on the amount collected shall be so charged or deducted by any county.

Extra help for county offices, etc

16656. The boards of supervisors may provide extra help for their county offices or officers as in their judgment is necessary for the proper performance of their duties under this article.

Apportionment of redemption payments

16657. Whenever any real property situate in any district which has availed itself of county assessments has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid by the county treasurer receiving it to the district, in the proportion which the tax due to the district bears to the total tax for which the property was sold.

District taxes a lien

16658. District taxes are a lien on the property on which they are levied; and the enforcement of the collection of district taxes may be had in the same manner and by the same means as is provided by law for the enforcement of liens for county taxes.

Redemption, disposal of property sold by district

16659. Where a district has not availed itself of county assessments, delinquent property sold by the tax collector of the district for delinquent taxes shall be struck off by him to the district and shall thereafter be redeemed or disposed of as is provided by law in the case of delinquent property sold to the State for delinquent county taxes.

Article 9. Payment of Claims Against Districts

Payment of claims

16681. No claims shall be paid until allowed by the board, and only upon a warrant signed by any two officers.

Presenting claim to board

16682. No suit shall be brought against the district on any claim until a claim or demand therefor, setting forth with rea-

sonable certainty the nature and various items of the claim or demand and verified by the claimant or his authorized agent, has been presented to the board and rejected in whole or in part.

Partial allowance of claim

16683. If a claim is allowed in part and rejected in part, the claimant may accept the partial allowance by filing a receipt in full for his claim.

Filing date

16684. All claims against the district shall be filed with the clerk of the district within six months after the debt, or the last item thereof, for which the claim is made has accrued, or within six months after the occurrence from which the damages are claimed to have arisen. Otherwise there shall be no recovery on the claim.

Refusal etc., final action

16685. If the board refuses or neglects to allow or reject a claim or demand for 90 days after it has been filed with the clerk, the claimant may consider such refusal or neglect a final action and rejection on the ninetieth day.

Suit after rejection

16686. A claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the district therefor at any time within six months after the final action of the board, but not afterward. If judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board shall allow and pay the amount, together with the costs adjudged; but if no more is recovered than the board allowed, the board shall pay the claimant no more than was originally allowed.

CHAPTER 5. ACQUISITION OF WORKS

Article 1. Petition to Acquire Works

"Acquisition of public utility works"

16801. As used in this chapter "acquisition of public utility works" includes construction, completion, or acquisition of public utilities or public utility works.

Petition for acquisition

16802. Whenever any petition signed by electors of the district equal in number to 15 percent of all votes cast within the district at the last preceding general election of state and county officers is presented to the board asking for the acquisition of public utility works therein named, the clerk shall immediately examine and verify the signatures and certify the result of the examination to the board. If the required number of signatures is found genuine, the clerk shall transmit to the president of the board an authentic copy of the petition, without the signatures thereto.

Proposition to electors

16803. Upon receiving a petition certified to contain the required number of signatures, the board shall formulate for submission to the electors of the district at a general district election or at a special election called for that purpose a separate proposition for the acquisition of each public utility works named in the petition.

Plans, estimates, revenues, etc

16804. In the formulation of a proposition the board shall procure plans and estimates of the cost of original construction and completion by the district of the public utility or, in case of the proposed acquisition of an existing utility works,

the cost of original construction and completion by the district of similar works. The board shall also procure an estimate of the revenues that can be expected from the public utility works named in the petition.

Plans, etc., on file

16805. In securing estimates of the cost of original construction and completion of water works by the district, the board shall procure and place on file plans and estimates of the cost of obtaining from such sources as the board finds and designates as available a sufficient supply of good, pure water for the district.

Sale of existing works

16806. Before submitting propositions to the electors for the acquisition of any public utility works, the board shall solicit and consider offers for the sale to the district of existing utilities, or utility works of the same character, or such portion thereof as would be useful to the district, in order that the district may have the benefit of acquiring them at the lowest possible cost.

Estimate from Public Utilities Commission

16807. The board may apply to the Public Utilities Commission to ascertain the value of existing utility works for the purpose of submitting to the electors estimates of the cost of acquiring them.

Valuation upon application

16808. Upon application by the board the commission without delay shall make a valuation in accordance with Chapter 8, Part 1 of Division 1 of this code.

Findings reviewed

16809. When the commission has made and filed its findings and decision, the board may have the findings reviewed in accordance with Chapter 8, Part 1 of Division 1, or the board may immediately adopt the findings and decision as the basis of its estimate of the cost of acquiring the public utility works by purchase or by condemnation.

Payment from revenues

16810. Upon the filing of plans and estimates the board shall determine whether the cost of the public utility works proposed for acquisition can be paid from revenues of the district from the operation of its public utilities in addition to the other necessary expenses of the district.

Cost of works specified

16811. When the cost of any public utility works named in a petition can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, each proposition therefor submitted to the electors shall specify the cost of the public utility works proposed for acquisition by the district, the proposed method and manner of its payment, and the question whether the utility works shall be acquired upon such terms.

District bonded indebtedness specified

16812. If the cost of any public utility works named in a petition so far exceeds the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, that it is necessary to incur a district bonded indebtedness, each proposition shall specify the amount of the necessary bonded indebtedness, its rate of interest, and the question whether such bonded indebtedness shall be incurred.

16813. At the next regular meeting after formulation of a proposition for the acquisition of the public utility works, the board by ordinance shall submit the proposition to the electors of the district at a general district election or at a special district election called for the purpose. Proposition submitted at election

16814. All propositions formulated pursuant to Section 16803 shall be submitted within six months after filing of the petitions, unless more time is required for obtaining a valuation requested of the Public Utilities Commission, in which case the propositions shall be submitted as soon as possible after the valuation becomes final. Time for submission

16815. The affirmative vote of a majority of the electors voting upon the proposition is necessary to accept a proposition submitted under Section 16811. Majority vote necessary

16816. The affirmative vote of at least two-thirds of the electors voting upon the proposition is necessary to approve a proposition submitted under Section 16812 and to warrant the issuance of district bonds therefor. Two-thirds vote necessary

16817. At as early a date after determination of the election result as the board deems is for the best interests of the district, it shall undertake proceedings and enter into the negotiations and contracts necessary for the acquisition of the public utility works named in any proposition approved by the majority of the electors voting at the election. Negotiations, contracts, etc., entered into

Article 2. Resolution to Acquire Works

16841. Whenever the board determines that the public interest or necessity of the district demands the acquisition of any public utility works, it shall specifically declare such determination by a resolution. Resolution of necessity

16842. The board shall procure plans and estimates and negotiate for offers for the sale to the district of existing public utility works in the same manner as specified in Article 1 of this chapter. Existing works

16843. When the cost of the public utility works can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, as soon after the filing of the plans and estimates as the board deems is for the best interests of the district, it shall by ordinance determine to acquire such public utility works. Ordinance to acquire public works

16844. The ordinance shall be published for at least two weeks in some newspaper of general circulation printed and published in the district or, if there is no such newspaper in the district, in some newspaper of general circulation printed and published in the county where all or part of the district is situated. The ordinance shall state the proposed cost of the acquisition and the proposed method and manner of its payment. If the ordinance involves the expenditure of more than one hundred thousand dollars ($100,000), it shall not become effective until 30 days after its final passage. Publication

Bonded indebtedness

16845. If the cost of the public utility works so far exceeds the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, that it is necessary to incur a district bonded indebtedness, the board, at a regular meeting held within 60 days after the filing of the plans and estimates of cost and expected revenue, by ordinance shall submit the proposition as to whether bonded indebtedness shall be incurred for acquisition of the public utility works, to the electors of the district at a general district election or at a special district election called for the purpose.

Amount must be specified, etc

16846. Propositions submitted pursuant to Section 16845 shall specify the amount of bonded indebtedness necessary for the acquisition of the public utility works, the rate of interest thereon, and the question whether the bonded indebtedness shall be incurred. The affirmative vote of at least two-thirds of the electors voting at the election upon the proposition is necessary to warrant the issuance of district bonds for the acquisition of any public utility works.

Article 3. Joint Acquisition and Use of Sewage Facilities and Water Works

"Public agency"

16871. As used in this article, "public agency" includes the Federal Government or any of its branches, and any county, city, district, or other public corporation.

"Sewage disposal facilities"

16872. As used in this article, "sewage disposal facilities" includes sewers or other works or facilities for the handling, treatment, or disposal of sewage.

Joint acquisitions, use, etc.

16873. A district may contract with any public agency or with any person, firm, or corporation, for the joint acquisition, construction, or use of any sewage disposal facilities for the servicing of the public utility district and such other area as may be designated in the contract, when in the judgment of the board it is for the best interests of the district so to do.

Proportionate payments

16874. A contract may provide for the construction and maintenance of sewage disposal facilities, and for the payment by or for the parties to the contract of such proportionate part of the cost of their acquisition, construction, or maintenance as may be stated in the contract. The payments shall be made at such times and in such amounts as provided by the contract.

Joint use of sewage, etc.

16875. A contract may provide for the joint use of any sewage disposal facilities upon such terms and conditions as may be agreed upon by the parties to the contract, and for the flowage, treatment, or disposal of sewage from such area for each of the parties as may be described in the contract.

Contracts for use of acquired facilities

16876. A district which has acquired or constructed or which proposes to acquire or construct any sewage disposal facilities, may contract with any public agency or with any person, firm, or corporation for the use of any such sewage disposal facilities by any such public agency, or for the flowage, treatment, or disposal of sewage from any area designated by

the person, firm, or corporation so contracting, upon such terms and conditions as may be provided in the contract.

16877. No agreement under Sections 16873 to 16876, inclusive, shall run for a longer period than twenty-five (25) years. Limited period

16878. Sections 16873 to 16876, inclusive, shall be liberally construed to the end that sewer systems may be planned for areas requiring sewers, which may not all be in one district, and that any sewage disposal facilities acquired or constructed by any public utility district may be used to the fullest capacity. Liberal construction

16879. Any contract or agreement made under Sections 16873 to 16876, inclusive, is not subject to the limitations of Section 16474. Exemption

16880. A district may contract with any public agency or with any person, firm, or corporation for the joint acquisition or construction or use of any water works or other facilities for supplying water to the public utility district or such other public agency and to such other area as may be designated in the contract, when in the judgment of the board of directors of the public utility district it is for the best interests of the district so to do. Joint acquisition, etc., of water works

16881. A contract may provide for the construction and maintenance of water works or other facilities and for the payment by or for the parties to the contract of such proportionate part of the cost of the acquisition, construction, or maintenance of such water works or other facilities as may be stated in the contract. Payments shall be made at such time and in such amounts as provided by the contract. Payment of proportionate share

16882 A contract may provide for the joint use of any water works or other facilities upon such terms and conditions as may be agreed upon by the parties to the contract for such area for each of the parties as may be described in the contract. Joint use

16883. A district which has acquired or constructed or which proposes to acquire or construct any water works or other facilities for supplying water to the district may contract with any public agency, or with any person, firm, or corporation for the use of any such water works or facilities by the public agency for the furnishing of water to any area designated by such public agency, person, firm, or corporation upon such terms and conditions as may be provided in the contract. Contracts for use of acquired facilities

16884 No agreement under Sections 16880 to 16883, inclusive, shall run for a longer period than 30 years; except that any contract made with the Federal Government or any branch thereof is not subject to this restriction or limitation. Limited period

16885. Sections 16880 to 16884, inclusive, shall be liberally construed to the end that water works and systems may be planned by public utility districts for areas requiring them which may not all be in one district and to the end that they may be used to the fullest capacity. Any contract or agreement made under these sections is not subject to the limitations provided in Section 16474, and such a contract or agreement made with the Federal Government, or any branch thereof, is not subject to the limitations provided in Section 16573. Liberal construction

CHAPTER 6. BONDS

District bonds

17001. District bonds shall be of such form and shall be redeemed at such times and in such amounts as the board determines in the ordinance calling the election for the approval of the bond issue. However, the redemption of the bonds shall begin in not more than 15 years and shall be completed in not more than 75 years from the date of issue.

Payable

17002. The bonds are payable, principal and interest, in lawful money of the United States.

Interest limited

17003. The interest on the bonds shall not exceed 6 percent a year.

Denominations

17004. The bonds shall be issued in denominations of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), and may be sold by the board at such times and in such manner as it determines, but at not less than par and accrued interest.

Force, value, etc

17005. District bonds have the same force, value, and use as bonds issued by a municipality.

Proceeds, surplus, etc.

17006. The proceeds from the sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, the surplus may be transferred to the general fund, except that a surplus exceeding five thousand dollars ($5,000) shall be wholly transferred to the appropriate fund to pay interest and maintain the sinking fund, or provide for the retirement of the bonded indebtedness in connection with which the surplus remains.

Signatures, seal, coupons

17007. The bonds shall be signed by the president of the board and countersigned by the clerk, and shall have the seal of the district attached. The coupons shall be numbered consecutively and signed by the treasurer, by original or facsimile signature, and the bonds and coupons shall be payable at the office of the treasurer.

Signature of person vacating office

17008. Notwithstanding the fact that an officer whose signature, countersignature, or attestation appears on any bonds or coupons thereof ceases to be such officer before the sale or delivery of such bonds, his signature, countersignature, or attestation appearing either on the bonds or the coupons, or on both, is valid and sufficient for all purposes the same as if he had remained in office until the sale or delivery of the bonds.

CHAPTER 7. ACTIONS TO CONTEST VALIDITY OF BONDS OR INDEBTEDNESS

Action to determine validity

17101. At any time within 60 days from the date of an election authorizing the issuance of bonds, or the incurrence of a debt, for the acquisition, construction, or completion of any public utility or public utility works, or from the effective date of any resolution or ordinance authorizing the incurrence

or assumption of such an indebtedness, the board may cause an action to be brought in the name of the district in the superior court of the county in which all or the greater portion of the district is located, to determine the validity of the bonds or indebtedness.

17102. An action under this article is in the nature of a proceeding in rem, and jurisdiction of all parties interested is had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, the paper to be designated by the court having jurisdiction of the proceedings Jurisdiction is complete within 10 days after the full publication of summons. In rem, publication, etc

17103. Anyone interested may at any time before the expiration of the said 10 days appear and by proper proceedings contest the validity of the bonds. Interested parties may contest

17104. The action shall be speedily tried and judgment rendered declaring the bonds or indebtedness valid or invalid. Either party may appeal to the Supreme Court at any time within 30 days after the rendition of judgment, and an appeal shall be heard and determined within three months after taking the appeal. Appeal

17105 After the expiration of 90 days from the date of the election authorizing the bonds or indebtedness, or of the effective date of such an ordinance or resolution, no action shall be brought by any person to contest or question the validity of the bonds or indebtedness, and proceedings in relation thereto. Period for contest limited

17106. If there is more than one action or proceeding pending under this article they shall be consolidated and tried together. Actions consolidated

17107. The court hearing a proceeding or action under this article shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties. Insignificant errors, etc

17108. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with this division are applicable to all actions or proceedings under this article. A motion for a new trial shall be heard and determined within 10 days from the filing of the notice of intention. Costs may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court Pleading and practice

CHAPTER 8. ANNEXATION

Article 1. Annexation of Contiguous Territory

17301. Unincorporated territory contiguous to a district may be annexed to the district in the manner provided in this article. Annexation of unincorporated territory

17302. A petition signed by not less than 15 percent of the qualified electors residing in the territory proposed to be annexed, describing the territory and asking that proceedings be taken for its annexation, may be addressed to the board Petition by residents

and filed with the secretary of the district. The secretary shall compare the signatures of the petition with the affidavits of registration on file with the county clerk of the county in which the territory proposed to be annexed is situated. If he finds that the petition has been signed by the required number of electors, he shall attach his signature thereto and present it to the board.

Petitions by owners

17303. If the territory proposed for annexation is wholly uninhabited, a petition filed by not less than 15 percent of the owners of the territory describing the territory and asking that proceedings be taken for its annexation may be addressed to the board and filed with the secretary of the district. The secretary shall thereupon determine if the petitioners are owners of the territory by the records of the county assessor of the county in which the territory is situated. If he finds that the petition has been signed by the required number of owners, he shall attach his signature thereto and present it to the board.

Determination of terms and conditions

17304. If the board determines that the annexation of territory as proposed will facilitate the acquisition, construction, completion, or operation of any public utility or public utility works of the district, or will be for the advantage of the district, and that the territory proposed to be annexed will be benefited by the annexation, the board shall determine the terms and conditions upon which the annexation should be made.

Equalizing proportionate obligations, etc.

17305. For the purpose of equalizing the proportionate obligations, expenditures, and costs of operation between the territory within the district and the territory proposed to be annexed, the board may include in the terms and conditions provision for any of the following:

(a) The payment of special taxes within the territory to be annexed in addition to other taxes provided for in this division.

(b) The fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the utility district

(c) The incurring or assumption of indebtedness or the making of payments.

(d) The transfer of property, real or personal, or other assets to the district by the territory proposed to be annexed

Terms, etc., binding

17306. The terms and conditions shall become effective and be binding upon the district and upon the territory to be annexed when approved in the manner set forth in this article.

Boundaries

17307. The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts.

Ordinance declaring intention to annex

17308. The board shall declare its intention of approving the annexation and the terms and conditions by adopting an ordinance describing the territory proposed to be annexed and setting forth the terms and conditions at length.

Publication

17309. The board shall cause the publication of the ordinance and a notice fixing the time and place for hearing thereon and notifying all persons interested in or who may be affected by the proposed annexation of territory within the district to appear at the meeting and show cause in writing, if any they have, why the territory or any of it should not be annexed as

proposed in the petition. The ordinance and notice shall be published in a newspaper of general circulation printed and published in the district, or if there is no such newspaper, in some newspaper of general circulation printed and published in the county where all or a part of the district is situated.

Filing

17310. A copy of the ordinance and notice shall be filed with the secretary of the district.

Time for hearing

17311. The time fixed for the hearing shall be not less than 30 nor more than 60 days after the date of the first publication of the ordinance.

Notice and ordinance posted

17312. The notice and ordinance shall be posted in three public places in the territory proposed to be annexed at least 30 days before the date set for the meeting.

Protests at hearing

17313. At the hearing any person interested may file with the board written protests to the proposed annexation or to the approval of the terms and conditions. Upon the hearing the board shall hear and determine all protests and all evidence relevant thereto. The board shall thereupon determine whether the territory shall be annexed and upon what terms and conditions the annexation shall be made.

Written protests

17314. If written protests are filed by the owners of taxable property in the territory proposed to be annexed, the board shall refer them to the board of supervisors of the county in which the district is situated The board of supervisors shall thereupon hold a hearing on the protests after notice given in the manner provided in Article 2, Chapter 2 of this division.

Property excluded

17315. If the board of supervisors finds and determines upon the hearing that the property described in the protests will not be substantially benefited by annexation to the district, it may notify the board of directors of the district that such property shall not be annexed, and the board of directors shall take the necessary steps to exclude the property from the territory proposed to be annexed.

Failure to protest

17316. Failure of any person interested in the district, or in the matter of the proposed annexation on the terms and conditions set forth in the ordinance, to show cause by written protest shall be deemed an assent on his part to a change in the boundaries of the district upon the terms and conditions, if any, set forth.

Hearing adjourned

17317 A hearing may be adjourned from time to time or from place to place by the board of directors without further notice other than an order to be entered upon the minutes of the meeting at the time of adjournment fixing the time and place that the meeting shall reconvene.

Boundary description

17318 If the board, after a hearing pursuant to this chapter, approves by resolution the proposed annexation, and if the annexation is also approved as provided in either Section 17319 or Section 17320, the board shall make an order describing the boundaries of the territory proposed for annexation and also describing the exterior boundaries of the district as it will exist after the annexation.

Approval by written consent

17319. A proposed annexation may be approved by a written consent signed by a majority of the electors who were registered in the territory to be annexed at the date of presentation of the petition or petitions for annexation. If the territory is uninhabited, the signatures to the consent may be made by the owners of a majority of the assessed valuation of the territory. The consent shall contain a description of the territory to be annexed and the terms and conditions, if any, of annexation. It shall be filed with the secretary of the board, who shall verify the signatures in the same manner as required in Sections 17302 and 17303.

Majority vote

17320. A proposed annexation may be approved by a majority vote at an election called and held as provided in this article within the territory proposed to be annexed.

Survey of boundaries

17321. For the purposes of the order provided by Section 17318 the board may cause a survey to be made of the boundaries or such portions thereof as it deems necessary.

Conditions and terms

17322. The order shall set forth in detail the conditions and terms, if any, of the annexation.

Order in minutes

17323. The order shall be set forth in full upon the minutes of the board.

Election for annexation

17324. After the board approves the annexation by resolution, it may call an election to determine whether the annexation is approved by the electors of the territory proposed to be annexed. Before calling the election it may require an undertaking with sufficient sureties from the petitioners for the annexation, conditioned that the petitioners or their sureties will pay all costs to the district of the election in case the annexation is disapproved at the election.

Time, notice fixed

17325. In calling an election for annexation the board shall fix the time for holding the election and cause notice thereof to be given and published.

General procedure

17326. Notice shall be given and published, the election held and conducted, the returns made and canvassed, the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed for a special election to determine whether bonds of a public utility district shall be issued.

Ballot wording

17327. The ballots cast at an election for annexation shall contain the words "for change of boundary" or "against change of boundary," or words equivalent thereto.

Description of territory

17328. The notice of election shall describe the territory proposed to be annexed in such manner that it can be readily understood and shall set forth the terms and conditions, if any, of the annexation.

Qualified voters

17329. At the election only electors registered at the time of the presentation of the petition for annexation and who at the time of the election are still electors in the territory are qualified to vote.

Results of election

17330. If a majority of all the votes cast on the proposition is against the annexation the board shall order the petition denied and shall proceed no further in that matter, but if a

majority of votes is in favor of the annexation the board shall thereupon in the manner provided in this article order that the annexation be made.

Record of boundary change

17331. Upon the making of an order changing the boundaries of the district a copy of the order certified by the president and secretary of the board shall be filed for record in the recorder's office in each county within which any part of the district or the territory annexed is situated, and thereupon the district, including the territory annexed, is a public utility district as fully and to every intent and purpose as if the land which is included in the district by the change of the boundaries had been included in the district at its original organization, except that this provision does not modify or impair the terms and conditions upon which an annexation is made.

Petition recorded in minutes

17332. Upon the filing of the copies of the order with the county recorders, the secretary shall record the petition for annexation in the minutes of the board. The minutes, or a certified copy thereof, are admissible in evidence with the same effect as the petition.

Article 2. Annexation of Noncontiguous Territory

"Petitioning district"

17360. As used in this article, "petitioning district" means any public utility district, water district, or irrigation district containing land which is to be annexed to a public utility district.

"Annexing district"

17361. As used in this article, "annexing district" means any public utility district to which land is to be annexed.

Annexation of noncontiguous land

17362. Land not a part of and not contiguous to any district, containing at least 10 privately owned acres, and lying within the exterior boundaries of any petitioning district, the nearest boundary of which is within three miles of the nearest boundary of the annexing district may be annexed to the annexing district in the manner provided in this article.

Petition by governing body

17363. The board of directors or other governing body of the petitioning district may request by petition that lands lying within its boundaries and described in the petition be annexed to the annexing district upon such terms and conditions as are set forth in the petition.

Addressed, filed, etc

17364. The petition shall be addressed to the board of directors of the annexing district and filed with the secretary of the annexing district.

Execution and filing authorized

17365. The execution and filing of the petition by the petitioning district shall be authorized by resolution of its board of directors and a certified copy of the resolution shall be filed with the petition.

Terms and conditions of annexation

17366. If the board of directors of the annexing district determines that the annexation of the territory will facilitate the acquisition, construction, completion, or operation of any public utilities works of the petitioning district, or the annexing district, and will not operate to the disadvantage of the annexing district, and that the territory proposed to be annexed will be benefited by the annexation, it shall determine the terms and conditions upon which the annexation shall be made.

Permissible provisions

17367. In the terms and conditions, the board may provide for any of the following:

(a) That the territory to be annexed shall not become liable by assessment or otherwise (1) for any of the outstanding obligations of the annexing district; (2) for any expense incurred in acquiring property used or to be used for the servicing of any land within the exterior boundaries of the annexing district as they then exist; (3) for any costs or charges incurred in connection with the replacement or construction of any utility system or for the delivery of any commodity or service within the annexing district.

(b) That the land to be annexed shall be subject to such assessments and charges as required to provide (1) for any utility system or property necessary to serve the annexed land; (2) for the costs of maintaining, servicing, and operating such properties.

(c) That the liability of the land to be annexed may be limited solely to the fixing and collecting of charges for utilities or commodities actually supplied to the petitioning district by the annexing district.

Additional provisions

17368. The terms and conditions may also provide for any of the following:

(a) That any and all property, services, or commodities may be delivered directly to the petitioning district.

(b) That the annexation may be made contingent upon the annexing district obtaining the necessary approval for the annexing of such lands from any and all agencies, authorities, and districts of which the annexing district may be a member.

(c) That the annexed territory may be required to waive and will not be entitled to receive, use, or participate in any services, commodities, or property or some specific part thereof which may be owned by the annexing district, or to which it may be entitled.

(d) Any other terms and conditions which the board of directors of either of the districts deems just.

Effective date

17369. The terms and conditions shall become effective and binding upon the annexing district and upon the territory to be annexed and the petitioning district when approved in the manner provided in this article.

Description, etc., in resolution

17370. The resolution of the board of directors of the annexing district shall describe the territory proposed to be annexed and set forth the terms and conditions at length upon which the annexation is proposed to be made, and declare the board's intention of approving such annexation upon the terms and conditions therein specified.

Publication of resolution, notice of hearing, etc

17371. The board shall cause the publication of the resolution and a notice fixing the time and place of hearing thereon and notifying all persons interested in or that may be affected by the proposed annexation of territory to appear at the meeting and show cause in writing, if any they have, why the territory or any part of it should not be annexed as proposed in the resolution. The notice and resolution shall be published

in a newspaper of general circulation printed and published in the annexing district, or if there is no such newspaper, in a newspaper of general circulation printed and published in the county where all or a part of the annexing district is situated

Time for hearing

17372. The time fixed for hearing shall not be less than 20 days nor more than 60 days after the date of the first publication of the resolution, and the notice and resolution shall be posted in three public places in the territory proposed to be annexed at least 15 days before the date set for the hearing.

Evidence presented at hearing

17373. At the hearing or any continuance thereof, the board of directors of the annexing district shall hear all relevant evidence and shall determine whether the territory shall be annexed and upon what terms and conditions, if any, such annexation shall be made.

Protests

17374 At the hearing or any prior time, any person interested may file with the board of directors of the annexing district a written protest to the proposed annexation or to the approval of the terms and conditions

Hearing on protests

17375. If written protests are filed by the owners of taxable property in the territory proposed to be annexed, the board of directors shall refer the protests to the board of supervisors of the county in which the district is situated. The board of supervisors shall thereupon hold a hearing on the protests after notice given in the manner provided in Article 2, Chapter 2 of this division.

Exclusion of property

17376. If the board of supervisors finds and determines at the hearing that the property described in the protests will not be substantially benefited by annexation to the district, it may notify the board of directors of the annexing district that such property shall not be annexed to the district, and the board of directors shall take the necessary steps to exclude the property from the territory proposed to be annexed.

Failure to protest

17377. Any person who is interested in any land located within the annexing district or the territory to be annexed and who does not file a written protest is deemed to have assented to the annexation of the territory set forth in the petition of the petitioning district, and upon the terms and conditions set forth therein.

Annexation complete

17378. After the hearing, if the board of directors of the annexing district approves by resolution the proposed annexation of the territory described in the petition upon the terms and conditions set forth therein or upon any other terms and conditions, and a resolution approving the annexation is adopted by the board of directors of the petitioning district and filed with the secretary of the annexing board, the annexing board shall declare that the annexation is completed.

Description by resolution:

17379. The annexing board shall by resolution describe the territory proposed to be annexed, and set forth the boundaries of the district as they will exist after the annexation. The order shall also set forth in detail the terms and conditions, if any, of the annexation; and if the annexation is for limited purposes only, the land which is being annexed shall be described as one

parcel and the land of the annexing district shall be described as a separate and distinct parcel.

Copy recorded

17380. A copy of the resolution certified by the president and secretary of the annexing board shall be filed for record in the recorder's office in each county within which any part of the district or the territory annexed is situated, and thereupon the land annexed shall become a part of the annexing public utility district upon the terms and conditions and subject to the limitations set forth in the resolution.

Annexation, etc., does not destroy, etc. legal powers, etc

17381. The inclusion in, or annexation or addition to, a public utility district of the corporate area of any public corporation or public agency shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose, of such public utility district.

Validity of contests

17382. No contest of any thing or matter provided for in this article shall be valid unless the contest is instituted within the time and manner specified, and in any such contest the findings of fact or conclusions of the board of directors of the annexing district and of the board of directors of any district within which the annexing land is located, shall be conclusive unless an action attacking such proceedings is filed in the superior court of the county in which the land is located, within six months after such findings or conclusions are made.

Chapter 9. Exclusion of Territory

Article 1. Exclusion by Petition

Petition by owners.

17501. Any territory within a district which is not benefited in any manner by the district or its continued inclusion therein may be excluded from the district by order of the board of directors upon the verified petition of the owners in fee of land of assessed value, with improvements, in excess of one-half of the assessed value of all the land, with improvements, held in private ownership in the territory.

Description, reason, etc.

17502. The petition for exclusion shall describe the territory sought to be excluded, and shall set forth that the territory is not benefited in any manner by the public utility district or its continued inclusion therein, and shall pray that the territory be excluded and taken from the district.

Meeting, notice of filing published, etc

17503. Upon the filing of a petition for exclusion with the secretary of the district he shall call a meeting of the board at a time not less than 25 days nor more than 50 days after the filing of the petition and cause a notice of the filing of the petition to be published for at least two weeks in some newspaper of general circulation within the district, if there is one, and if not, in some newspaper of general circulation published in the county in which the district is situated.

Contents of notice

17504. The notice shall state the following:

(a) The date of the filing of the petition.

(b) The fact that the petition will come on for hearing before the board.

(c) The time and place of the hearing.

17505. The hearing shall be held at the regular meeting place of the board, but the board may adjourn the hearing to a more convenient meeting place within the district. Hearing place

17506. Any landowner or taxpayer within the district may appear at the hearing, either in behalf of or in opposition to the granting of the petition. Persons who may appear

17507. A petition for exclusion of territory shall come on for hearing before the board at the time and place specified in the notice of hearing. Time and place

17508. If upon the hearing the board determines that it is for the best interests of the district that all or part of the land mentioned in the petition be excluded from the district, or if it appears that all or part of such land will not be benefited by continued inclusion in the district, the board shall make an order that all or part of such land be excluded from the district. The order shall describe specifically the land excluded. Order of exclusion Description

17509. From the time of the making of an order of exclusion the land excluded is no longer included in the district, but an order of exclusion does not invalidate in any manner any taxes or assessments previously levied or assessed against the land so excluded. Effective on making, taxes, etc

17510. A copy of the order of exclusion, certified by the secretary of the district, shall be recorded in the office of the recorder of the county in which the district is situated. The record of the certified copy is prima facie evidence of the exclusion from the district of the land excluded by the order. Recordation of order

Article 2. Exclusion by Resolution

17531 The board may initiate proceedings for the exclusion from the district of any land which it is for the best interests of the district to exclude, or which may not be benefited in any manner by continued inclusion therein. Exclusion by board.

17532. Proceedings for exclusion shall be initiated by the board by passage of a resolution requiring all persons interested to appear and show cause before the board at a time and place specified why such lands, describing them, should not be excluded from the district, fixing a time and place for the hearing, and directing the secretary of the district to give notice of the passage of the resolution and of the hearing. Resolution, hearing, etc

17533. Upon the passage of a resolution for exclusion of land from the district the secretary of the district shall give notice thereof and of the time and place of the hearing in the manner prescribed for notice of hearing in Article 1 of this chapter. The time of hearing fixed by the board by its resolution shall be not less than 25 days nor more than 50 days after passage of the resolution and the place of hearing so fixed shall be a convenient place within the district. Notice of hearing

17534. After the secretary complies with Section 17533, all proceedings thereafter shall be had in the manner provided in Article 1 of this chapter, with the same effect as provided in that article. Manner of proceedings

CHAPTER 10. DISINCORPORATION

Article 1. Petition

"Board of supervisors"

17701. As used in this chapter, "board of supervisors" means the board of supervisors of the county in which the largest portion of the district is located.

Disincorporation

17702. A district may be disincorporated in the manner prescribed in this chapter.

Petition

17703. A petition shall be presented to the board of supervisors, signed by at least 25 percent of the qualified registered electors of the district, praying for disincorporation of the district, and briefly stating the reasons therefor.

Examination

17704. Upon presentation of a petition for disincorporation the county clerk shall examine it within 10 days and ascertain whether or not it is signed by the requisite number of qualified electors. For the purpose of the examination, the clerk shall make such inquiry or investigation as to the number of electors residing in other counties as is necessary to ascertain the total number of electors in the district and whether or not a sufficient number have signed the petition.

Certification

17705. When the county clerk has completed his examination of a petition for disincorporation he shall attach to it his certificate properly dated, showing the result of the examination. If from his examination he finds that the petition is signed by the requisite number of qualified registered electors residing within the district, or is not so signed, he shall certify that the petition is sufficient or insufficient, as the case may be.

Supplemental petitions

17706. If a petition for disincorporation is found insufficient, supplemental petitions may be filed within 10 days after the date of the county clerk's certificate of insufficiency in the same manner as provided for an original petition for disincorporation of a district.

Examination, etc

17707. The county clerk shall examine any supplemental petition in the same manner as an original petition. If the signatures on the supplemental petitions and the signatures on the original petition constitute the requisite number of qualified registered electors residing within the district, he shall certify that the petition is sufficient. The supplemental petitions shall be attached to the original petition and for the purpose of all proceedings thereafter are a part of the original petition.

Original and supplemental petitions insufficient

17708. If the supplemental petitions together with the original petition are found insufficient, the county clerk shall so certify and thereafter no petition may be filed for disincorporation of the district within six calendar months after the date of the certificate.

Examination period

17709. The county clerk has 10 days after the filing of any supplemental petition during which he may make his examination, but he shall complete the examination within this period.

Sufficiency, etc, not subject to review

17710. The sufficiency or insufficiency of the petition or supplemental petitions is not subject to review by the board of supervisors.

17711. If the county clerk finds and certifies that a petition, or a petition as amended or supplemented, is sufficient, he shall present it to the board of supervisors without delay. Sufficient petition to board immediately

Article 2. Election

17731. When a petition is presented to it by the county clerk, the board of supervisors shall give notice of an election to be held in the district for the purpose of determining whether or not the district shall be disincorporated and dissolved. Notice of election

17732. The notice of election shall be published in a newspaper published in the district and determined by the board of supervisors to be most likely to give notice to those interested in the matter, or if there is no newspaper published in the district, in a newspaper published in the territory adjacent thereto determined by the board to be most likely to give notice to those interested in the matter. Publication shall be made in the same manner and for the same period as in the case of petitions to incorporate a district. Publication

17733. Notice of election for disincorporation shall state that the question of disincorporating the district shall be submitted to the legal voters thereof at the time appointed for the election, and electors shall be invited thereby to vote upon the proposition by placing upon their ballots the cross as provided by law after the words "for disincorporation" or "against disincorporation." Wording of ballots, etc

17734. The board of supervisors shall cause a copy of the notice of election to be mailed by the clerk of the board to each of the directors of the district within five days after the date of the first publication, and no election shall be held until proof of the mailing is furnished by affidavit of the clerk of the board of supervisors. Copy of notice to directors

17735. The election shall be held and conducted in the same manner as an election on the organization of a district, as nearly as practicable in conformity with the general election laws of the State, insofar as general laws are applicable, and except as in this division otherwise provided. Conduct of election

17736. At the first regular meeting after the election, the board of supervisors shall proceed to canvass the vote cast. If it is found by the canvass of votes that less than a majority of the votes cast is in favor of disincorporation, the board of supervisors shall declare the petition for disincorporation denied. Canvass of votes Minority vote

17737. If it appears from the canvass that a majority of all the votes cast is in favor of disincorporation, the board of supervisors shall make and file in its office and cause to be entered upon the records of its proceedings an order that the petition for disincorporation is granted, and declaring that the district is disincorporated. The order shall take effect at the time prescribed by Section 17739. Majority vote

17738. If the district is disincorporated, the board of supervisors shall forthwith cause its clerk, by an order entered in its minutes, to make and transmit to the Secretary of State a certi- Results of election to Secretary of State

fied copy of the notice of election for disincorporation, the whole number of electors voting for disincorporation, and the whole number of electors voting against disincorporation.

Effective date of disincorporation

17739. Twenty days from and after the holding of the election for disincorporation, at which a majority of votes was cast in favor of disincorporation, the district is forever disincorporated.

Article 3. Financial Winding Up

Financial status of district

17761. After the board of supervisors ascertains by a canvass that the disincorporation has been carried, it shall forthwith determine the amount of the indebtedness of the district, the amount of money in the district treasury, and all indebtedness due or coming due the district. The directors of the district shall furnish the board of supervisors with a statement showing these amounts. If the board of directors fails or refuses to do so, the board of supervisors shall ascertain the amounts.

Public property

17762. Upon the disincorporation of a district every public officer of the district shall immediately turn over to the board of supervisors all public property of every nature and description in his possession, including all public records and data of every nature and description.

Money of district

17763. Within 30 days after the date of disincorporation the district shall turn over to the treasurer of the county in which the district is situated all money in its possession, and the county treasurer shall place the money in a special fund to be drawn upon for the payment of debts.

Collection of money due district

17764. The board of supervisors shall make provision for the collection of the amounts due to the district and for the closing up of its affairs. Any acts necessary for such purposes not otherwise provided for, performed upon the order of the board of supervisors are as fully done and performed and with as full effect as if performed by the proper officers of the district before disincorporation.

Rights of county

17765. The county succeeds to and possesses all the right of the district in and to its indebtedness, and may sue for or otherwise collect any such debts in the name of the county.

Costs, expenses, etc

17766. All costs and expenses of ascertaining the statement of amounts as provided in this article, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties provided for in this division, shall be paid out of the special fund provided for payment of debts.

Payment of outstanding bonds

17767. If there are any bonds issued by the district outstanding and unpaid at the time of disincorporation, the board of supervisors succeeds to the powers of the board of directors of the district in providing for the payment of the bonds and shall levy the tax on property embraced in the district prior to the disincorporation and shall continue such provisions for payment of the bonds as are specified in the bonds or were made or carried into effect by the directors of the district prior to

the filing with the county clerk of the petition for disincorporation.

17768. The funds of the district devoted to payment of bonds, or to matters incident thereto, are continued as such funds in the county treasury. District funds.

17769. No money in any fund of a disincorporated district devoted to the payment of its bonds shall be used for the payment of any other indebtedness of the district until the bonds are paid in full. Restrictions on use

17770. All warrants for indebtedness shall be drawn on order of the board of supervisors of the county in which the district is situated, on the fund provided for in the county treasury for payment of district debts. Warrants

17771. If at any time after the disincorporation of a district it is found that there is not sufficient money in the treasury to the credit of the fund provided for payment of any indebtedness of the district, the board of supervisors succeeds to and has all the powers of the directors of the district in providing for the payment thereof, and shall cause to be levied and collected from the territory formerly included within the district a tax or taxes sufficient in amount to pay the indebtedness as it becomes due. Insufficient funds Tax

17772. The tax or taxes, assessments, and collections provided for by this article shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and are an additional tax within the territory for the payment of district debts. Collection, etc., of taxes

17773. The board of supervisors shall cause the levy of taxes on land not included within its own county in the same manner and by the same means as is provided for the levying of such tax by the board of directors of the district. It may levy the tax in its own county in the same manner as other county taxes. Levy of taxes on land outside county

17774. Nothing contained in this division relieves a district, or the territory included within it, from any liability or any debt contracted by the district prior to its disincorporation. District not relieved of liability

17775. If after payment of all debts of the district there remains any surplus in the hands of the county treasurer to the credit of the fund for the payment of indebtedness, the board of supervisors shall appropriate the surplus and declare a dividend pro rata to the taxpayers of the district, and the board of supervisors shall pay the dividend to the taxpayers on demand. Surplus Division pro rata to taxpayers

17776. Dividend shares not claimed by taxpayers within five days after the board of supervisors declares the dividends to the taxpayers of the district shall be kept in the county treasury as a fund to be used by the county for any public purpose in the area formerly included in the disincorporated district. Unclaimed dividend shares

SEC. 3. The following acts are repealed: Repeal

Year	Chapter	Page
1917	191	281
1921	560	906

CHAPTER 73

An act to amend Section 2507 of the Welfare and Institutions Code, relating to the case histories of recipients of indigent aid.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 3, 1953.]

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

SECTION 1. Section 2507 of the Welfare and Institutions Code is amended to read:

Destruction, etc., of records

2507. The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history or any part thereof, of any recipient of indigent aid or relief who has not received such aid from such county for in excess of five years prior thereto.

CHAPTER 74

An act to repeal Chapter 4, Part 1, Division 2; Chapter 7, Part 2, Division 2; Chapter 8, Part 2, Division 2; and Chapter 5, Part 3, Division 2 of the Insurance Code, relating to insurers.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 3, 1953.]

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

Repeal

SECTION 1. Chapter 4, Part 1, Division 2, comprising Sections 4010 to 5022, inclusive, of the Insurance Code is repealed.

Repeal

SEC. 2. Chapter 7, Part 2, Division 2, comprising Sections 10560 to 10611, inclusive, of the Insurance Code is repealed.

Repeal

SEC. 3. Chapter 8, Part 2, Division 2, comprising Sections 10640 to 10780, inclusive, of the Insurance Code is repealed.

Existing rights and benefits

SEC. 4. Notwithstanding the repeal of Chapter 8 of Part 2 of Division 2 of the Insurance Code, all contract rights and benefits heretofore acquired by any person under any insurance policy issued by an insurer operating under the provisions of said Chapter 8 are hereby confirmed, preserved and continued to the same extent as if said Chapter 8 had not been repealed.

Repeal

SEC. 5. Chapter 5, Part 3, Division 2, comprising Sections 11910 to 12023, inclusive, of the Insurance Code is repealed.

CHAPTER 75

An act to amend Section 7604 of the Public Utilities Code, relating to the sounding of a locomotive bell or whistle

In effect September 9, 1953

[Approved by Governor April 4, 1953. Filed with Secretary of State April 4, 1953.]

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

SECTION 1. Section 7604 of the Public Utilities Code is amended to read:

7604. A bell, of at least 20 pounds weight, shall be placed on each locomotive engine, and shall be rung at a distance of at least 80 rods from the place where the railroad crosses any street, road, or highway, and be kept ringing until it has crossed the street, road, or highway; or a steam whistle, air siren, or an air whistle shall be attached, and be sounded, except in cities, at the like distance, and be kept sounding at intervals until it has crossed the street, road, or highway; provided, that when a locomotive engine is engaged in a switching operation or comes to a stop at any point within a distance of 80 rods from the place at which the railroad crosses any street, road, or highway, it shall not be necessary that the bell be rung or the whistle, air siren, or air whistle be sounded, until such time and from such place as the locomotive begins an uninterrupted movement to and across the place at which the railroad crosses the street, road, or highway. Any railroad corporation violating this section shall be subject to a penalty of one hundred dollars ($100) for every violation. The penalty may be recovered in an action prosecuted by the district attorney of the proper county, for the use of the State. The corporation is also liable for all damages sustained by any person, and caused by its locomotives, train, or cars, when the provisions of this section are not complied with.

Bells or whistles, etc., on engines

Penalty

CHAPTER 76

An act to codify certain statutes, relating to vehicles and vehicular traffic, by adding Chapter 10 to Division 3 of, and Sections 334.1, 586.05 and 804 to, the Vehicle Code, and repealing certain statutes specified herein.

[Approved by Governor April 4, 1953. Filed with Secretary of State April 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 10 is added to Division 3 of the Vehicle Code, to read:

CHAPTER 10. PERMITS FOR CARAVANING VEHICLES

249.01. "Caravaning" Defined. "Caravaning" as used in this chapter means the transportation of any vehicle of a type subject to registration under this code, operated on its own wheels, or in tow of a motor vehicle, for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser or prospective purchaser, whether such agent, dealer, purchaser or prospective purchaser may be located within or without this State.

"Caravaning"

249.02. "Dealer" Defined. "Dealer" when used in this chapter means every individual, partnership, corporation or trust whose business in whole or in part is that of caravaning new or used vehicles as herein defined, or of selling or exchanging new or used vehicles, and shall include every agent

"Dealer"

or representative of every such person engaged in such business, except that nothing herein contained shall be construed to require the performance of any act or the payment of any fee by any agent or representative which has previously been performed or paid by his principal.

Permit

249.03. Special Permit Required For Caravaning Vehicles. No person, firm, or corporation shall use any highway in this State for caravaning vehicles unless he has first secured from the department upon application at its office in Sacramento or any of its regularly established branch offices other than stations at the state boundary line, a special permit as to each vehicle caravaned, for use of the highways of this State in caravaning such vehicles. The permit shall be displayed by posting the same upon the windshield of such vehicle or in other prominent place thereon where it may be readily legible.

249.04. Permit: When Valid. Permits issued pursuant to this chapter shall be valid for a period of six months after date of issuance and shall be valid only in the hands of the original permittee but shall not authorize the operation of any vehicle other than that for which originally issued. The permits shall contain such information and be in such form and shall be issued under such rules and regulations as may be prescribed by the department.

Fees

249.05. Fees to Be Paid For Issuance of Permit. The department shall charge and collect, for each vehicle for which a caravan permit may be issued whether such vehicle be operated under its own power or in tow of a motor vehicle, the following fees:

(1) As compensation for the privilege of using the public highways of this State ---------- $7.50

(2) To reimburse the State for expense incurred in administering police regulations pertaining to the operation of vehicles moved pursuant to such permits and to public safety upon the highways as affected by such operation ---------- $7.50

249.06. Permit Fees: When Due and Payable. Permit fees shall be due and payable in advance of the operation upon the public highways of any vehicle for which such permit is required and shall be a lien against the vehicle for which they are due during the time such vehicle is held for sale or offered for sale or resale.

Whenever the department collects any fee not required to be paid hereunder, the same shall be refunded, upon approval of the claim by the Director of Finance, to the person paying the same upon application made within one year after the date of such payment.

Penalty

249.07. Failure to Pay Permit Fees: Penalty. If the permit fees required by this chapter are not paid when due a penalty of 50 percent of such fees for each vehicle shall be assessed and collected by the department.

Enforcement

249.08. Enforcement of Lien for Collection of Fees. The department shall collect the permit fees and enforce the liens

provided for by this chapter by seizure of the vehicle or vehicles upon which such fees are a lien from the person or persons in possession thereof, if any, and by sale of such vehicle. The seizure and sale may be made at any time after such fees become due and shall be conducted and carried out by the department in the same manner as is provided by law for the seizure and sale of personal property by the assessor for the collection of taxes due on personal property.

In lieu of all other fees

249.09. Permit Fees in Lieu of All Other Registration and License Fees. The fee paid for any caravaning permit issued pursuant to this chapter shall be in lieu of all other registration fees and license fees for the use of public highways in this State by such vehicle during the period that such vehicle may be operated for the purpose of sale or exchange under and solely in accordance with such permit upon the public highways of this State, but nothing in this section shall exempt the owner or operator of such vehicle from compliance, except with respect to fees or license charges, with all laws of this State now or hereafter adopted, relating to safety in the use of the public highways.

Purpose of fees

249.10. Necessity of Fees. The money derived by the State from the issuance of permits provided for by this chapter is intended as compensation for the privilege of using the highways of this State and to reimburse the State Treasury for the added expense which the State may incur in the collection of such fees and in the administration and enforcement of this act and the expense of policing the highways over which such caravaning may be conducted.

Report

249.11. Report Required by Dealer to Department. Every dealer in vehicles shall report to and list with the department on forms to be prescribed by the department and in accordance with rules in regard thereto promulgated by the department, each vehicle received, held or offered by him for sale which has been caravaned over the public highways of this State. Such report and listing shall be made forthwith upon the receipt of the vehicle. The report, among other things, shall show the number of the caravan permit authorizing the operation of the vehicle covered in the report. In the event no permit has been secured for such operation, payment of the required fees and penalty shall be made to the department and shall accompany the report.

Vehicles not previously registered in State

249.12. Evidence by Dealer as to Origin of Vehicle Not Previously Registered. On demand of the department, any dealer in vehicles shall furnish to the department evidence as to the origin of any vehicle not previously registered in this State which is held or offered by him for sale, and evidence of the manner in which such vehicle was transported to the place in which it is or has been held or offered for sale.

It shall be prima facie evidence that a vehicle not previously registered in this State is or has been transported for purpose of sale if it is exchanged, sold or offered for sale within 30 days after it has been operated over the public highways of this State.

Exemptions

249.13. Transportation of Vehicles in Certain Areas Exempted. The provisions of this chapter shall not apply to the transportation of motor vehicles between points within Zone 1 or between points within Zone 2, which zones are hereby defined as follows:

Zone 1—That part of the State of California lying within the Counties of San Diego, Imperial, Orange, Riverside, San Bernardino, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, and Mono;

Zone 2—That part of the State of California not included within Zone 1 as herein defined.

Misdemeanor

249.14. Violation a Misdemeanor. Violation of any of the provisions of this chapter is a misdemeanor.

SEC. 2. Section 334.1 is added to said code, to read:

Off-street parking facilities

334.1. Employing Unlicensed Parking Facility Attendant to Move Motor Vehicles. No operator of an off-street parking facility shall hire or retain in his employment an attendant whose duties involve the moving of motor vehicles unless such attendant, at all times during such employment, is duly licensed hereunder.

The provisions of Chapter 5 of Division 12 of this code shall not apply to this section.

SEC. 3. Section 586.05 is added to said code, to read:

586.05. Use of Street by Parking Facility Prohibited. No operator of any off-street parking facility shall park the vehicle of a patron of the facility in any public street or alley.

The provisions of Chapter 5 of Division 12 of this code shall not apply to this section.

SEC. 4. Section 804 is added to said code, to read:

Repeals

804. Repeals. The following acts, together with all amendments thereof and all acts supplementary thereto are hereby repealed:

Year	Chapter	Page
1937	788	2253
1951	1211	3059
1951	1212	3059

The provisions of Section 803 of this code do not apply to this section.

CHAPTER 77

An act to amend Section 284 of the Agricultural Code, relating to the spread of bee diseases.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.]

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

SECTION 1. Section 284 of the Agricultural Code is amended to read:

Diseased bees

284. It is unlawful for any person to conceal the fact that any disease exists among his bees or to expose to bees any in-

fected bee products or hives or appliances or to fail to comply with any notice issued under the provisions of this article.

Honey extracting

Any and all extracting of honey shall be done in a place to which bees cannot gain access, either during or after such extracting process. It shall be the duty of the commissioner to prohibit or stop the extraction of honey in any place to which bees have access until such place is made bee tight.

Transportation of bee combs

It is unlawful to transport supers of bee combs unless such supers are tightly covered so as to prevent exposure to bees.

Public nuisances

Neglected or abandoned used hives or appliances containing beeswax or bee comb, unless kept in an enclosure so constructed as to prevent access by bees, are public nuisances, and it is unlawful to maintain the same. Any such neglected or abandoned hives shall be subject to seizure and abatement by the inspector in the same manner as provided for abatement of a diseased apiary in Section 277.

Registration, branding, etc., of apiaries

Any person, firm or corporation owning or in the possession of an apiary who fails to properly brand or register the same or who changes the location of the apiary in violation of Section 275 shall not be entitled to recover damages for any injury to said apiary by reason of any pest control operations.

CHAPTER 78

An act to amend Section 281.6 of the Agricultural Code, relating to wax-salvage operations.

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 281.6 of the Agricultural Code is amended to read:

Transport to wax-salvage plant

281.6. It shall be lawful, at the option and expense of the owner, notwithstanding any other provisions of this article, for the inspector or for any person having a permit from the inspector, to transport hives in which disease has been found, together with their contents, to a wax-salvage plant, licensed under the provisions of this section, after first having killed the bees in such hives and sealed the hives to prevent the entrance of live bees.

Prohibition

It is unlawful to remove any honey or wax or to salvage or attempt to salvage any hives or appliances from any colony infected with American foulbrood, except in a wax-salvage plant licensed and operated under the provisions of this section.

Construction and operation of plants

The director shall prepare and furnish to interested parties upon request uniform specifications for the construction of wax-salvage plants, and rules and regulations for the operation of such plants in such manner as to prevent the spread of disease therefrom.

Licenses

Any person desiring to maintain and operate a plant for the salvaging of wax, hives and appliances from diseased apiaries shall apply for an annual license therefor to the com-

missioner of the county in which such wax-salvage plant is located. The commissioner shall make such investigation as he may deem necessary and shall issue the license without fee if he is satisfied that the plant is constructed in accordance with the provisions of this section and the specifications of the director, and that the plant will be operated in accordance with the rules and regulations of the director. All licenses shall be good for the calendar year within which same are issued and shall expire on December 31st thereof.

Salvage operations Enclosures

All salvage operations with respect to wax, hives and appliances from diseased colonies shall be performed under the direction and supervision of the inspector in an enclosure tightly double-screened to prevent the entrance of bees, with screens not less than three inches apart. Entrance to the enclosure shall be through a vestibule not less than six feet in length, double-screened in the same manner as the enclosure, with tight-fitting doors at each end. No such wax, hives or appliances shall be removed from such enclosure except under permit from the inspector after treatment in the manner herein provided.

Treatment of frames, hives, etc.

The frames, together with their contents, shall be held not less than 30 minutes in boiling water in a vat drained by direct connection into a sewage disposal system or into a cesspool constructed in accordance with specifications of the director. The frames, after removal from the vat, shall be boiled not less than 20 minutes in a solution of lye water. The hives, bodies, bottom boards, covers and supers shall either be scorched or shall be boiled not less than 20 minutes in a solution of lye water.

In lieu of either of the above treatments, the frames, hives, bodies, bottom boards, covers and supers may be subjected to steam in a tight chamber at 15 pounds pressure and 250 degrees F. for a period of one hour. Honey shall not be salvaged, but shall be drained off with the refuse water. All solid matter, other than wax, remaining after draining the vat shall be burned in an incinerator constructed in accordance with specifications of the director.

Revocation of licenses

Any license issued under the provisions of this section may be revoked or suspended or renewal of such license may be refused by the commissioner, after hearing, whenever he finds that a licensee has not complied with all the provisions of this section and the rules, regulations and specifications issued hereunder.

CHAPTER 79

An act to amend Section 275.5 of the Agricultural Code, relating to transportation of bees.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.]

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

SECTION 1. Section 275.5 of the Agricultural Code is amended to read:

275.5. It is unlawful to place in any combless package of bees or queens, offered for sale or shipment, any food containing honey. Shipment

It is unlawful to ship any package bees or queens within the State unless the shipment is accompanied by a certificate of inspection showing that the bees from which such package bees or queens have been taken were inspected within sixty (60) days prior to shipment and found free from disease.

CHAPTER 80

An act to amend and renumber Section 1062.5 of the Government Code, relating to out-of-state travel by state officers and employees.

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1062.5 of the Government Code is amended and renumbered to read:

11033. No state officer or employee shall absent himself from the State on business of the State without the prior approval of the Governor and the Director of Finance, except when the absence is for less than five consecutive working days' duration and involves only travel into states bordering upon this State. This section shall not apply to elective state officers, legislative committees or employees of any such committee. Approval for absence from State

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CHAPTER 81

An act to add Section 2293 to the Business and Professions Code, relating to the healing arts.

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2293 is hereby added to the Business and Professions Code, to read as follows:

2293. If an applicant for any form of certificate issuable under this chapter twice fails to pass the examination required for the type of certificate for which he has applied, he shall not be eligible to be examined a third time until at least one year has elapsed from the date of the second examination; and if he fails the third examination, he shall not be eligible to take the examination a fourth time until two years has elapsed from the date of the third examination. Thereafter, he may not take the examination more frequently than once in two years. Failure to pass examinations

CHAPTER 82

An act to codify Chapter 17 of the Statutes of 1907, relating to hospitals, by adding Division 23 5, comprising Sections 32500 to 32508, inclusive, to the Health and Safety Code, and repealing Chapter 17 of the Statutes of 1907.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953]

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

SECTION 1. Division 23.5, comprising Sections 32500 to 32508, inclusive, is added to the Health and Safety Code, to read:

DIVISION 23.5. ENDOWMENT HOSPITALS

Liberal construction

32500. The provisions of this division shall be liberally construed to effect its objects and promote its purposes.

Grant for hospital purposes

32501. Any person desiring in his lifetime to promote the public welfare by founding, endowing, and having maintained within this State a hospital for the relief of the sick, and for use as a training school for nurses may, by grant in writing, convey to a trustee named in the grant and to the successor of such trustee, any of his property situated within this State. If he is married and the property is community, both he and his wife shall join in the grant.

32502. The grant may be executed, acknowledged, and recorded in the manner provided by law for the execution, acknowledgment, and recording of a grant of real property.

32503. The grantor may designate in the grant:

(a) The nature, object, and purpose of the hospital.

(b) The name by which it shall be known.

(c) The powers and duties of the trustee, including the manner in which he shall account, and to whom. Such powers and duties shall not be held to be exclusive of any others necessary to enable the trustee fully to carry out the object of the grant.

(d) The mode and manner by which, and the person by whom any successor of the named trustee shall be appointed.

(e) Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe. Unless the grantor otherwise prescribes, such rules shall be advisory only, and shall not preclude the trustee from making such changes as new conditions may from time to time require.

Trustee

32504. The trustee may in the name of the hospital grant, receive, and hold gifts of property, and sue and defend in relation to the trust property and all matters affecting the hospital.

32505. The trustee may exercise corporate powers and privileges, and to that end may organize and act as a board of trustees, elect such officers of the board as he may deem necessary, adopt by-laws, and as such board or through such officers transact such business, perform such acts, and exercise such powers as he in writing may provide may be transacted, performed, and exercised by such board.

32506. The board may adopt and use a seal. When attached to any document or writing the seal shall be prima facie evidence that the document or writing was made by and under due authority from the board and the trustee.

32507. The grantor, by a provision in the grant, may during his lifetime elect, in relation to the property conveyed and to the erection, maintenance, and management of the hospital, to perform all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the trustee. In such case the powers and duties conferred and imposed by the grant upon the trustee shall be exercised and performed by the grantor during his lifetime. Upon the death of the grantor the powers and duties shall devolve upon and be exercised by the trustee or his successor. Grantor

32508. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect the conveyance or the title to the property conveyed, or the right to the possession, rents, issues, and profits thereof, unless it is commenced within two years after the date of filing the grant for record. Nor in any suit, action, or proceeding commenced by the trustee named in the grant, his successor, privy, or any person holding under him shall any defense be made involving the legality of the grant, or affecting the title to the property thereby conveyed, the right to its possession, or the rents, issues, and profits thereof, unless the suit, action, or proceeding is commenced within two years after the grant is filed for record. After such filing the property shall be exempt from execution and forced sale. Actions and proceedings

SEC. 2. Chapter 17 of the Statutes of 1907 is repealed. Repeal

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CHAPTER 83

An act to codify Chapter 578 of the Statutes of 1911, relating to cemeteries, by adding Sections 8134 and 8560.5 to the Health and Safety Code, and repealing Chapter 578 of the Statutes of 1911.

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 8134 is added to the Health and Safety Code, to read:

8134. No streets, alleys, or roads shall be opened or laid out within the boundary lines of any cemetery located in whole or in part within the lines of any city or city and county where burials in the cemetery have been had within five years prior thereto, without the consent of the person owning and controlling the cemetery. Streets, alleys, or roads within cemeteries

SEC. 2. Section 8560.5 is added to said code, to read:

8560.5. No streets, alleys, or roads shall be opened or laid out within the boundary lines of any cemetery located in whole or in part within the lines of any city or city and county, where burials in the cemetery have been had within five years prior thereto, without the consent of the person owning and controlling the cemetery.

Repeal

SEC. 3. Chapter 578 of the Statutes of 1911 is repealed.

CHAPTER 84

An act to codify certain statutes relating to the health and safety of employees, by adding Article 5, comprising Sections 2440 and 2441, to Chapter 1 of Part 9, Division 2 of the Labor Code, and by repealing Chapter 278 of the Statutes of 1913, and Chapter 485 of the Statutes of 1915.

In effect September 9, 1953

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.]

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

SECTION 1. Article 5 is added to Chapter 1 of Part 9, Division 2 of the Labor Code, to read:

Article 5. General Health Provisions

Medical or surgical chest

2440. Every person operating a factory or shop, or conducting any business in which power machinery is used for any manufacturing purpose, except for elevators or for heating or hoisting apparatus, where five or more persons are employed, shall at all times keep and maintain, in some accessible place upon the premises upon which such factory, shop or business is located, free of expense to the employees, a medical or surgical chest. The chest shall contain an adequate assortment of absorbent lint, absorbent cotton, sterilized gauze, plain and medicated, adhesive plaster, cotton and gauze bandages, one tourniquet, one pair scissors, one pair tweezers, one jar carbolized petrolatum, one bottle antiseptic solution, and one first aid manual, all of which shall cost not less than six dollars ($6). The chest shall be used in the treatment of persons injured or taken ill upon the premises. Any person violating this section shall be subject to a fine of not less than ten dollars ($10) nor more than fifty dollars ($50) for every week during which the violation continues.

Penalty

Drinking water

2441. Every employer of labor in this State shall, without making a charge therefor, provide fresh and pure drinking water to his employees during working hours. Access to such drinking water shall be permitted at reasonable and convenient times and places. Any violation of this section is punishable for each offense by a fine of not less than twenty-five dollars ($25), nor more than one hundred dollars ($100), or by im-

Penalty

prisonment for not more than 30 days, or by both such fine and imprisonment.

SEC. 2. Chapter 278 of the Statutes of 1913 is hereby repealed. Repeals

SEC. 3. Chapter 485 of the Statutes of 1915 is hereby repealed.

CHAPTER 85

An act to add Section 1018 to the Labor Code, relating to the wearing of labor union buttons, and to repeal an act entitled "An act to prevent persons from unlawfully wearing the button of any labor union of this State," approved March 20, 1909.

[Approved by Governor April 3, 1953. Filed with Secretary of State April 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1018 is added to the Labor Code, to read:

1018. Any person who wilfully wears the button of any labor union of this State, unless entitled to wear the button under the rules of such union, is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not more than 20 days or by a fine of not more than twenty dollars ($20), or by both fine and imprisonment. Union button Penalty

SEC. 2. An act entitled "An act to prevent persons from unlawfully wearing the button of any labor union of this State," approved March 20, 1909, is hereby repealed. Repeal

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CHAPTER 86

An act to amend the heading of Article 1 of Chapter 3 of Division 1 of, and to amend Sections 70, 71, 73, 74, 76, and 77 of, and to add Section 78 to, the Agricultural Code, relating to agricultural fairs.

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

In effect September 9, 1953

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

SECTION 1. The heading of Article 1 of Chapter 3 of Division 1 of the Agricultural Code is amended to read:

Article 1. The California State Fair and Exposition

SEC. 2. Section 70 of the Agricultural Code is amended to read:

70. The California State Fair and Exposition is a state institution within the Department of Finance, and consists of a board of directors of 14 members. California State Fair and Exposition

SEC. 3. Section 71 of said code is amended to read:

Board

71. Twelve of the members of said board shall be appointed by the Governor for a term of four years from the expiration of the respective terms of the members of the board in office at the time this code becomes effective. Two of the members of the board shall be members of an agricultural district or county fair board and shall be appointed annually by the Governor on February 1st of each year, but these two members shall not be members of the same agricultural district or county fair board.

President of board

The President of the Board of Directors of the California State Fair and Exposition shall be designated annually by the Governor on February 1st from among the members of the board.

SEC. 4. Section 73 of said code is amended to read:

Annual fair

73. The Board of Directors of the California State Fair and Exposition, subject to the approval of the Department of Finance, shall provide for and manage an annual fair or exposition in Sacramento County of the industries and industrial products of this State and commercial products exported and imported through the ports of this State Such fair shall be designated as the California State Fair and Exposition. In any year during which an international exposition, conducted in whole or in part under the auspices of the State and endorsed by the United States Government, is held within the State of California, and the Board of Directors of the California State Fair and Exposition deems it inexpedient to hold a State Fair, the funds available for State Fair purposes for that year only may be expended with the approval of the Department of Finance, in cooperation with the management of said exposition to provide for a proper exhibition of the industries of California at such exposition.

SEC. 5. Section 74 of said code is amended to read:

Premium or debt

74. In no event shall the State be liable for any premium awarded or debt created by the Board of Directors of the California State Fair and Exposition.

SEC. 6. Section 76 of said code is amended to read:

Funds

76. All moneys received by the Board of Directors of the California State Fair and Exposition shall be reported at least once a month to the State Controller and said money together with all money heretofore or hereafter appropriated to said society shall be placed in the State Treasury to the credit of the State Fair Fund, which fund is hereby created. Any money appropriated from the State Agricultural Society Contingent Fund shall be payable from the State Fair Fund.

Appropriation

All money in said fund is hereby appropriated without regard to fiscal years, to be expended in accordance with the law for the support of the activities of the Board of Directors of the California State Fair and Exposition in conducting the California State Fair and Exposition, including construction and improvements and, with the approval of the Department of Finance, the purchase of land in connection therewith.

SEC. 7. Section 77 of said code is amended to read:

77. The California State Fair and Exposition may pay membership fees, join, and participate in the affairs of associations having for their purpose the interchange of information relating to livestock, poultry, and other agricultural animals and products, the conduct and management of fairs, the conducting of horse racing meetings and similar associations dealing with subjects related to the powers and duties of the California State Fair and Exposition. Participation in affairs of other associations

SEC. 8. Section 78 is added to the Agricultural Code, to read:

78. Whenever the name State Agricultural Society or Board of Directors of the State Agricultural Society is used in any statute, act, law, appropriation, budget, or other place, or in any section of this code the same shall be held and deemed to include, refer to and mean the California State Fair and Exposition or Board of Directors of the California State Fair and Exposition, respectively. Whenever the name State Agricultural Society Contingent Fund is used in any statute, act, law, appropriation, or other place, the same shall be held and deemed to refer to and mean the State Fair Fund. Names

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CHAPTER 87

An act to amend Section 12201 of, and to add Sections 12201.1, 12201.2, and 12207 to, the Business and Professions Code, relating to sealers of weights and measures.

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.] In effect September 9, 1953

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

SECTION 1. Section 12201 of the Business and Professions Code is amended to read:

12201. If from any cause a vacancy occurs in the office of county sealer, the director upon learning of such vacancy shall immediately transmit to the board of supervisors or other appointing power a list of persons certified by him to be eligible for the position. If the appointing power fails to appoint a county sealer within 60 days after the receipt of such list, the director shall appoint a county sealer from said list. If there is no eligible person available, the director shall assign as soon as practicable a Deputy State Sealer who shall perform all the duties of the county sealer in such county. Vacancy in office

SEC. 2. Section 12201.1 is added to said code, to read:

12201.1. The salary and other compensation provided for the county sealer, deputy county sealers and clerks shall be paid out of the county treasury in the same manner and at the same time as other county officers are paid. The county sealer and deputy county sealers shall each be entitled to receive his traveling and incidental expenses incurred in the performance of his duties. Salary and other compensation

SEC. 3. Section 12201.2 is added to said code, to read:

Deputy State Sealer

12201.2. The compensation for a Deputy State Sealer shall be in accordance with the salary range established by the State Personnel Board for this classification, and for the time actually served in any county shall be paid by said county in the same manner in which other claims against the county are paid In addition to his salary, the Deputy State Sealer shall be repaid by the county for his actual traveling expenses in connection with his work in the county.

SEC. 4. Section 12207 is added to said code, to read:

Identification card

12207. The department shall furnish an identification card to each sealer. The identification card shall be of a form as prescribed by the department and shall be returned to the department by the sealer upon termination of his duties as a sealer.

CHAPTER 88

An act to amend Sections 13521 and 13583 of the Education Code, relating to school district employees.

In effect September 9, 1953

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

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

SECTION 1. Section 13521 of the Education Code is amended to read:

Causes for dismissal

13521. No permanent employee shall be dismissed except for one or more of the following causes:

(a) Immoral or unprofessional conduct.

(b) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.

(c) Dishonesty.

(d) Incompetency.

(e) Evident unfitness for service.

(f) Physical or mental condition unfitting him to instruct or associate with children.

(g) Persistent violation of or refusal to obey the school laws of the State or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.

(h) Conviction of a felony or of any crime involving moral turpitude.

(i) Violation of Section 8275 of this code or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.

SEC. 2. Section 13583 of said code is amended to read:

Probationary employees in districts having an a d a in excess of 60,000

13583. Anything in Section 13582 to the contrary notwithstanding, governing boards of school districts having an average daily attendance of 60,000 or more pupils shall dismiss probationary employees for cause only. The determination of the

board as to the sufficiency of the cause for dismissal shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof. Conduct specified by subdivision (i) of Section 13521 of this code as cause for dismissal constitutes cause for dismissal for the purposes of this section.

CHAPTER 89

An act to amend Section 29431 of the Government Code, relating to sheriff's special fund.

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 29431 of the Government Code is amended to read:

29431. At the beginning of each fiscal year in counties having a population of 500,000 or more, the board of supervisors shall transfer from the general fund to the sheriff's special fund an amount sufficient to make the sum of five thousand dollars ($5,000) in the sheriff's special fund; provided, however, that the board of supervisors may transfer from the general fund to the sheriff's special fund additional amounts sufficient to make the total sum in the sheriff's special fund a sum not exceeding twenty thousand dollars ($20,000).

Sheriff's special fund

CHAPTER 90

An act to amend Section 1461 of the Probate Code, relating to guardians for insane or incompetent persons.

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1461 of the Probate Code is amended to read:

1461. Any relative or friend may file a verified petition alleging that a person is insane or incompetent, and setting forth the names and residences, so far as they are known to the petitioner, of the relatives of the alleged insane or incompetent person within the second degree residing in this State; thereupon the clerk shall set the same for hearing by the court and issue a citation directed to said alleged insane or incompetent person setting forth the time and place of hearing so fixed by him; said citation and a copy of the petition shall be personally served on the alleged insane or incompetent person in the same manner as provided by law for the service of summons, at least

Petition

Notice of hearing

five days before the time of hearing; notice of the nature of the proceedings and of the time and place of the hearing, so set by the clerk, shall be mailed at least five (5) days before such hearing date to each of such relatives of the alleged insane or incompetent person. Any relative or friend of the alleged insane or incompetent person may appear and oppose the petition.

Attendance at hearing

Such person, if able to attend, must be produced at the hearing, and if not able to attend by reason of physical inability, such inability must be evidenced by the affidavit of a duly licensed physician or surgeon, or other duly licensed medical practitioner, unless such alleged insane or incompetent person is a patient at a county or state hospital in this State in which case the affidavit of the medical director or medical superintendent or acting medical director or medical superintendent of such county or state hospital, to the effect that such patient is unable to attend, shall be prima facie evidence of that fact.

CHAPTER 91

An act to amend Section 7 of the Los Angeles County Flood Control Act, relating to the issuance of bonds, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

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

SECTION 1. Section 7 of the Los Angeles County Flood Control Act is amended to read:

Bonds: Form, contents, issuance, etc.

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the said board of supervisors 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, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles County, and the seal of said district shall be affixed thereto. Such signatures and countersignatures may be printed, lithographed, engraved, or

otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles County by his engraved or lithographed signature. In case 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 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.

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 therefore shall go into effect immediately. The following is a statement of the facts constituting such necessity: The electors of the district have authorized the board of supervisors of said district to issue bonds in the sum of one hundred seventy-nine million dollars ($179,000,000) for the construction of storm drains and drainage channels to protect the lives and property of the residents of said district, and Section 7 of the Los Angeles County Flood Control Act now provides that said bonds shall be signed manually by both the chairman of the board of supervisors and by the county auditor and be issued in denominations not to exceed one thousand dollars ($1,000). Even if no bonds were issued having a smaller denomination than one thousand dollars ($1,000), there would be 179,000 bonds to be so signed. In order to have the said storm drains and drainage channels constructed in part, at least, during the next summer months so as to afford protection from the floods of the next rainy season, it is necessary to sell a substantial portion of said bonds not later than May 1, 1953, and if both of said public officials must sign said bonds manually it will delay the delivery of said bonds and the receipt of the proceeds therefrom for several weeks, thereby causing substantial delays in the construction of such storm drains and drainage channels which might result in much damage to property and loss of life during the flood season of 1953-1954 unless this act goes into effect immediately. The public health and safety require that this act go into effect immediately for the reasons hereinabove set forth.

CHAPTER 92

An act to amend Section 2319 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2319 of the Business and Professions Code is amended to read:

Reciprocity certificate

2319. An applicant for a reciprocity certificate need not have completed his year's internship prior to the issuance to him of a license in the other state; provided, however, that a one year's internship shall have been completed by the applicant before application to the board for a reciprocity certificate

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CHAPTER 93

An act to codify Chapter 1 of the Statutes of 1938 and Chapter 362 of the Statutes of 1939, relating to housing authorities, by adding Chapter 1.5 to Part 2 of Division 24 of the Health and Safety Code, and by adding Sections 34369, 34370, and 34371 thereto, and repealing Chapter 1 of the Statutes of 1938 and Chapter 362 of the Statutes of 1939.

In effect September 9, 1953

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

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

SECTION 1. Chapter 1.5 is added to Part 2 of Division 24 of the Health and Safety Code, to read:

CHAPTER 1.5. TAX EXEMPTION OF HOUSING AUTHORITY PROPERTY

Legislative finding

34400. It has been found and declared in the Housing Authorities Law and the Housing Cooperation Law (a) that there exist in the State housing conditions which constitute a menace to the health, safety, morals and welfare of the residents of the State; (b) that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident prevention, and other public services and facilities; (c) that the public interest requires the remedying of these conditions by the creation of housing authorities to undertake projects for slum clearance and for providing safe and sanitary dwelling accommodations for persons who lack sufficient income to enable them to live in decent, safe and sanitary dwellings without overcrowding; and (d) that such housing projects are for public uses and purposes and are governmental functions of state concern. As a matter of legislative determination, it is hereby found and declared that the property and bonds of a housing authority are of such character as shall be exempt from taxation.

Tax exemptions

34401. The property of an authority is exempt from all taxes and special assessments of the State or any city, county, or political subdivision of the State. In lieu of such taxes or special assessments the authority may agree to make payments to any city, county, or political subdivision of the State for services, improvements, or facilities furnished by such city, county, or political subdivision for the benefit of a housing project owned by the authority; but in no event shall such

payments exceed the estimated cost to such city, county, or political subdivision of the services, improvements, or facilities.

34402. The bonds of an authority are issued for an essential public and governmental purpose, and, together with interest thereon and income therefrom, are exempt from all taxes.

SEC. 2. Section 34369 is added to said code, to read:

34369. Notwithstanding any restrictions on investments contained in any laws of this State, the State, all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by an authority pursuant to this chapter, or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States Government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits.

Investments in bonds or other obligations of authority

SEC. 3. Section 34370 is added to said code, to read:

34370 It is the purpose of Section 34369 to authorize any person, political subdivision, body, or officer, public or private, to use any funds owned or controlled by him or it, including sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations.

Nothing in Section 34369 relieves any person from any duty of exercising reasonable care in selecting securities.

SEC. 4. Section 34371 is added to said code, to read:

34371. Insofar as the provisions of Sections 34369 and 34370 are inconsistent with the provisions of any other law, the provisions of the sections are controlling.

SEC. 5. Chapter 1 of the Statutes of 1938 and Chapter 362 of the Statutes of 1939 are repealed.

Repeals

CHAPTER 94

An act to amend Section 5952 of the Labor Code and to repeal Section 9 of Chapter 606 of the Statutes of 1951, relating to judicial review of orders, decisions or awards of the Industrial Accident Commission.

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5952 of the Labor Code is amended to read:

Scope of judicial review

5952. The review by the court shall not be extended further than to determine, based upon the entire record which shall be certified by the commission, whether:

(a) The commission acted without or in excess of its powers.

(b) The order, decision, or award was procured by fraud.

(c) The order, decision, or award was unreasonable.

(d) The order, decision, or award was not supported by substantial evidence.

(e) If findings of fact are made, such findings of fact support the order, decision, or award under review.

Nothing in this section shall permit the court to hold a trial de novo, to take evidence, or to exercise its independent judgment on the evidence.

Repeal

SEC. 2. Section 9 of Chapter 606 of the Statutes of 1951 is hereby repealed.

CHAPTER 95

An act to add Article 5.5 to Chapter 3, Part 3, Division 5 of the Health and Safety Code, relating to revenue bonds of county sanitation districts.

In effect September 9, 1953

[Approved by Governor April 4, 1953. Filed with Secretary of State April 6, 1953.]

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

SECTION 1. Article 5.5 is added to Chapter 3 of Part 3 of Division 5 of the Health and Safety Code, to read:

Article 5.5. Revenue Bonds

County sanitation districts

4805. The provisions of the Sanitation, Sewer and Water Revenue Bond Law of 1941 as amended shall be applicable to county sanitation districts, and the term "local agency" as used in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code shall be deemed to include a county sanitation district.

CHAPTER 96

An act to add Section 19439 to the Business and Professions Code, relating to the regulation of horse racing.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Section 19439 is added to the Business and Professions Code, to read:

Certificate

19439. In lieu of requiring an affidavit or other sworn statement in any application or other paper or document required to be filed with the board, the board may require a certification thereof under the penalty of perjury, in such form

as the board may prescribe Any person who wilfully makes and subscribes any such certificate which is materially false in any particular is guilty of a felony and shall be punished in the manner prescribed by the Penal Code for the punishment of perjury. Penalty

CHAPTER 97

An act to amend Section 12706 of, and to add Section 12707.5 to, the Business and Professions Code, relating to public weighmaster weight certificates.

[Approved by Governor April 7, 1953 Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 12706 of the Business and Professions Code is amended to read:

12706. State Certificates of Weights and Measures shall contain the accurate and correct weight or measure or count of any and all commodities or products weighed or measured or counted. State Certificates of Weights and Measures

Any public weighmaster who issues a State Certificate of Weights and Measures without first weighing, measuring, or counting the article or commodity, or who knowingly issues a State Certificate of Weights and Measures giving thereon a false weight or measure or count of the article or commodity weighed or measured or counted by him, or any person who alters a State Certificate of Weights and Measures, is guilty of a misdemeanor.

The department may direct and compel the return of the State Seal, or declare the bond of any public weighmaster forfeited, or both, where such public weighmaster has been guilty of a violation of this section. Forfeiture of State Seal or bond

SEC 2. Section 12707.5 of said code is added, to read:

12707.5. When the tare weight of a vehicle has been recorded on a public weighmaster certificate, it shall be unlawful for any person to alter the tare weight of such vehicle prior to the time that the gross weight of the laden vehicle has been determined and recorded on the certificate. Tare weight of vehicle

CHAPTER 98

An act to amend Sections 1101 and 1103 of, and to add 1103.35 to, the Agricultural Code, relating to eggs.

[Approved by Governor April 7, 1953 Filed with Secretary of State April 7, 1953]

In effect September 9, 1953

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

SECTION 1. Section 1101 of the Agricultural Code is amended to read:

1101. As used in this article with relation to eggs: Definitions

(a) "Addled" or "white rot" means putrid or rotten.

(b) "Adherent yolk" means the yolk has become fastened to the shell.

(c) "Blood" means the presence of blood rings or blood veins due to embryo development, or blood diffused into the white.

(d) "Candling" means the examination of the interior of eggs by the use of transmitted light.

(e) "Clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil, shall exceed an aggregate area of one-quarter inch in diameter.

(f) "Reasonably clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil, shall exceed an aggregate area of one-half inch in diameter.

(g) "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

(h) "Moldy" or "black spot" or "black rot" means the presence of mold or bacteria inside the shell.

(i) "Processed" means that the shell has been treated with oil or other preservative preparation.

(j) "Sound" means that the shell is free from cracks.

(k) "Uniform in size" means that the eggs in any one container shall not vary more than three-eighths of an ounce in weight.

(*l*) "Visible germ development" means that there has been some development of the germ which is slightly visible as a deeper colored area on the yolk as shown by candling the egg.

(m) "Firm white" means that the white is sufficiently thick or viscous to permit but little movement of the yolk from the center of the egg.

(n) "Checks" are eggs with shells which are not sound as determined by candling, appearance, or other means; provided, no exudation is present.

(o) "Dirties" are eggs with shells which are not reasonably clean as determined by appearance.

(p) "Inedible eggs" are eggs which as determined by candling or any other means contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks, sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, or otherwise unfit for human consumption in whole or in part.

(q) "Denatured" means eggs (1), made unfit for human food by treatment or the addition of a foreign substance or (2), with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye.

(r) "Clear white" means that the white is free from discoloration or foreign bodies.

SEC. 2. Section 1103 of said code is amended to read:

Prohibitions

1103. It is unlawful to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in bulk or in containers or subcontainers eggs:

(a) Unless each container and subcontainer of chicken eggs is marked with the full, correct and unabbreviated designation of size and quality of the eggs therein according to the standards as prescribed in this article together with the name and address of the producer, dealer, retailer, or agent by or for whom the eggs were graded or marked;

(b) Which are mislabeled;

(c) Which are deceptive;

(d) That are or contain inedibles and which are not denatured; provided, that not to exceed 5 percent by count of inedibles shall be permitted when eggs are going to a dealer for candling and grading, or to a breaking plant for breaking purposes.

(e) Which have been in an incubator, unless the inedibles have been removed.

Size and quality markings

Only one description of the size and quality of eggs shall appear upon a container, subcontainer or placard required by this article, except that as to eggs placed in containers the markings may show different size and quality descriptions for specified quantities of eggs in the container.

Designations of size and quality required by this section to be marked upon containers of eggs shall be plainly and conspicuously marked in boldface type letters (1) not less than one-fourth inch in height or the outside top face of each container holding less than 15 dozen eggs and (2) not less than one-half inch in height on one outside end of any oblong container holding 15 dozen or more eggs and on one outside side of any other container holding 15 dozen or more eggs

SEC. 3. Section 1103.35 is added to said code, to read:

1103.35. No markings are required on containers of 15 dozen or more eggs which contain properly marked subcontainers.

CHAPTER 99

An act to amend Section 12974 of the Insurance Code, relating to moneys in the Insurance Fund.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 12974 of the Insurance Code is amended to read:

Money received from fees fines, penalties, etc.

12974. All moneys received by the commissioner for fees, fines, penalties, taxes, or from similar sources, and belonging to the State, shall be accounted for and reported monthly by the commissioner to the State Controller. At the same time such moneys shall be remitted to the State Treasurer to the credit of the Insurance Fund, which fund is continued in existence. The money in said fund is hereby appropriated to the commissioner to be expended in accordance with law in the administration and enforcement of the provisions of this code and other insurance laws. The State Controller, upon executive order of the

Appropriation

Excess

Director of Finance, shall transfer the unencumbered balance in said fund at June 30th, each year, in excess of two million dollars ($2,000,000) to the General Fund.

CHAPTER 100

An act to amend Sections 10036, 10653, and 10654 of, and to repeal Sections 10051 and 10052 of, the Health and Safety Code, relating to vital records and public health.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Section 10036 of the Health and Safety Code is amended to read:

State registrar

10036. The state registrar shall arrange, and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all births, deaths, and marriages registered.

Repeals

SEC. 2. Sections 10051 and 10052 of the Health and Safety Code are repealed.

SEC. 3. Section 10653 of said code is amended to read:

Compensation of local registrar and subregistrar

10653. Each local registrar entitled to compensation shall be paid the sum of fifty cents ($0.50) for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State Registrar out of which fees he shall pay the subregistrar the sum of thirty cents ($0.30) in each case where the certificate is registered with the subregistrar.

SEC. 4. Section 10654 of said code is amended to read:

10654. If no births or no deaths were registered during any month, the local registrar is entitled to be paid the sum of fifty cents ($0.50) for each report to that effect, but only if the report is made promptly as required by this division.

CHAPTER 101

An act to add Section 2147.6 to the Business and Professions Code, relating to the healing arts.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Section 2147.6 is added to the Business and Professions Code, to read as follows:

Foreign physicians

2147.6. Physicians, with valid visitors' visas issued by the United States of America, who seek postgraduate study in an approved medical school either as a fellow, instructor, or exchange professor, may, after proper application to and approval

by the board and receipt of an appointment from the dean of the approved medical school, be permitted by the board to participate in the professional activities of the department in the approved medical school to which they are appointed under the direction of the chairman of the department. Such permission granted by the board shall be for a period not in excess of one year, and must be renewed semiannually. Except to the extent authorized by this section, no such visiting physician may treat the sick or afflicted or receive compensation therefor or otherwise engage in or offer to engage in the practice of medicine and surgery.

CHAPTER 102

An act to codify Chapter 416 of the Statutes of 1915, relating to the sale of imported butter, by adding Section 593.5 to the Agricultural Code, and repealing Chapter 416 of the Statutes of 1915.

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 593.5 is added to the Agricultural Code, to read:

593.5. Every person who sells, offers for sale, or has in his possession for sale, or consigns, ships or presents to any other person any butter that has been shipped or imported into the State of California from any place outside of the United States shall, before doing so, cause to be stamped, marked or printed upon the wrapper, or other container in black-face letters not less than one-eighth of an inch in height the word "imported," and shall display in a conspicuous place in his public salesroom a sign, which shall be not less than one foot in height and two feet in length, bearing the words "imported butter sold here" in black-face letters not less than three inches in height and one-half inch in width upon a white ground.

Markings and sign

Violation of this section is punishable by imprisonment in the county jail for not more than six months, or by a fine of not more than two hundred fifty dollars ($250), or by both.

Penalty

SEC. 2. Chapter 416 of the Statutes of 1915 is repealed.

Repeal

CHAPTER 103

An act to codify Chapter 170 of the Statutes of 1915 by adding Section 802.7 to the Agricultural Code and repealing Chapter 170 of the Statutes of 1915, relating to raisins.

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 802.7 is added to the Agricultural Code, to read:

Type of grapes

802.7. It is unlawful for any person to sell, offer for sale, expose for sale, or have in his possession with intent to sell, any box, package, or carton containing seeded raisins, which box, package, or carton shall have indicated thereon the fact that it contains raisins, unless it shall in addition to such indication have plainly and conspicuously marked thereon the variety of grape from which the raisins contained in such box, package, or carton are manufactured or produced.

Penalty

Any violation of this section is a misdemeanor, punishable by a fine of not more than two hundred dollars ($200), or by imprisonment in the county jail for not more than 60 days, or by both.

Repeal

SEC. 2. Chapter 170 of the Statutes of 1915 is repealed.

CHAPTER 104

An act to codify Chapter 40 of the Statutes of 1923, relating to the importation of parasitic and predaceous insects for pest control, by adding Section 110.5 to the Agricultural Code, and repealing Chapter 40 of the Statutes of 1923.

In effect September 9, 1953

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Section 110.5 is added to the Agricultural Code, to read:

Regents of the University of California

110.5. The Regents of the University of California may collect and import into this State from foreign countries, parasitic and predaceous insects for use in the control of insect pests of horticultural and agricultural crops and of livestock, and for this purpose may employ and send abroad experts who shall be allowed, in addition to their compensation, their necessary subsistence, traveling and other expenses incidental to the performance of their duties

Repeal

SEC. 2. Chapter 40 of the Statutes of 1923 is repealed.

CHAPTER 105

An act to codify Chapter 757 of the Statutes of 1921, relating to dogs and providing restrictions upon the running of dogs at large for the protection of livestock, by adding Chapter 9 to Division 3 of the Agricultural Code, and repealing Chapter 757 of the Statutes of 1921.

In effect September 9, 1953

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Chapter 9 is added to Division 3 of the Agricultural Code, to read:

CHAPTER 9. REGULATION AND LICENSING OF DOGS

Article 1. Dog Tags

439. It is unlawful for any person to own, harbor, or keep any dog over the age of three months, or to permit such a dog owned, harbored, or controlled by him to run at large, unless the dog has attached to its neck or leg a substantial collar on which is fastened a metallic tag giving the name and post-office address of the owner, or a metal license tag issued by the authority of a county, city and county, or any municipal corporation for the purpose of identifying the dog and designating the owner. Metallic tags

Any dog found running at large without such tag may be seized and impounded by any peace officer.

439.01. Upon the filing of a petition so requesting by 25 electors whose names appear upon the last preceding assessment roll of the county as owners of domestic livestock, the board of supervisors of any county shall provide for the annual issuance of serially numbered metallic dog license tags, stamped with the name of the county and the year of issue, which shall be issued by the county clerk directly or through judges of justice or municipal courts, to owners of dogs, who make application. Each application shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner. County license tags

439.02. The county clerk shall endorse upon the application the number of the license tag issued, and all applications so endorsed shall be kept on file in the office of the county clerk open to public inspection. The fee for the issuance of the license tag shall be fifty cents ($0.50), but the board of supervisors may increase the fee It is unlawful for any person to attach the license to the collar of any dog other than the one described in the application. Fee

439.03. Any dog license tag issued by any city and county or city, pursuant to an ordinance which substantially complies with this chapter and which provides for the wearing of the license tag upon the collar of the dog and the keeping of a record which will establish the identity of the person who owns or harbors the dog constitutes compliance with the provisions of this chapter. City or city and county license tag

Article 2. Killing and Seizure

439.15 It is unlawful for any person to kill, injure, or impound any dog, the owner of which has complied with the provisions of this chapter, except as otherwise provided in this chapter. Unlawful to kill, injure, etc

439.16. It is unlawful for any person to permit any female dog owned, harbored, or controlled by him, to run at large at any time during the period when the dog is in heat or breeding condition. Female dog

439.17. It is unlawful for any person to permit any dog owned, harbored, or controlled by him to run at large on any Running at large on farm

farm whereon livestock or domestic fowls are kept, without the consent of the owner of the farm, except for herding livestock or for hunting or sporting purposes or any competitive trials when the dog is within reasonable control or call of his owner or the agent of his owner.

Killing, wounding, etc., livestock

439.18. Any person may kill any dog found in the act of killing, wounding, or persistently pursuing or worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog, or if he has such proof as conclusively shows that the dog has been recently engaged in killing or wounding livestock or poultry on land or premises not owned or possessed by his owner, and no action, civil or criminal, shall be maintained for killing such dog.

439.19. Any dog entering any enclosed or unenclosed property wherein livestock or poultry are confined may be seized or killed by the owner or tenant of the property or any employee of the owner or tenant and no action, civil or criminal, shall be maintained therefor against such owner, tenant or employee.

Exception

439.20. The provisions of Sections 439.18 and 439.19 do not apply to any dog inside the corporate limits of any city, or city and county, or to any dog under the reasonable control of his owner or keeper, unless actually caught in the act of worrying, wounding, chasing, or killing any livestock or poultry.

Complaint

439.21. Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or whenever any livestock of any person is necessarily destroyed because of having been bitten by a dog, the person may complain to any judge of the justice or municipal court of the county within which the damage occurred. The complaint shall be in writing, signed by the person making it, and shall state when, where, what and how much damage was done, and if known, by whose dog or dogs. If it appears who is the owner or person in charge of the dog causing the loss or damage the judge shall forthwith issue a summons against the owner or person in charge commanding him to appear before the judge and show cause why the dog should not be killed.

Summons

439.22. The summons shall be made returnable not less than two nor more than six days from the date of issue and shall be served at least two days before the time of appearance ordered. The service of the summons may be made by any person over the age of 18 years or by registered mail to the last known address of the owner or person in charge and any expense connected with the summons shall be borne by the owner of the livestock or poultry injured or the party making the complaint.

Findings

439 23. Upon the return day fixed in the summons, the judge shall proceed to determine whether the loss or damage to the livestock was caused by the dog, and if he so finds, he shall notify the owner or person in charge to kill the dog. Failure of the owner or person in charge to kill the dog as directed renders the owner subject to the penalties prescribed in this chapter.

439.24. The board of supervisors shall provide for the taking up and impounding of all dogs found running at large contrary to the provisions of this chapter and for the killing in some humane manner or other disposition of any dog impounded. Taking up and impounding

439.25. The board of supervisors may appoint proper persons to take up, impound, and kill dogs under this chapter or they may enter into a contract with any humane society or other organization or association which will undertake to carry out the provisions of this chapter regarding the taking up, impounding, and killing of dogs, and which shall give a proper bond in whatever amount may be fixed by the board of supervisors for the faithful performance of the contract.

439.26. No dog impounded under the provisions of this chapter shall be killed or otherwise disposed of without notice to the owner, if he is known, and no dog so impounded shall be killed before 72 hours have elapsed from the time of the taking up of the dog. Notice to owner

439 27. Any dog found straying on any farm whereon livestock is kept, which has attached to its collar the identification tag or license tag prescribed by Article 1 of this chapter, may be taken up, impounded, and detained in the same manner as described in this chapter, and the person so taking up the dog shall be entitled to recover from the owner, in any court having jurisdiction, the fees for taking up and keeping the dog as fixed by the board of supervisors for taking up and keeping unlicensed and unidentified dogs, together with costs. Straying on farm

Article 3. Fees for Impounding

439.40. The board of supervisors shall fix the compensation of the county clerk for issuing dog license tags and shall also fix the fee for impounding any dog and the amount to be paid for keeping the dog, which shall not be more than ten cents ($0.10) for each day that the dog is kept. Fees

439.41. When the impounding is done by an appointee of the board of supervisors or by a humane society or other organization or association, which has entered into a contract for impounding dogs, the fees for taking up and impounding and for keeping the dogs shall be a charge upon the county treasury, to be paid as other claims against the county are paid.

439.42. In any case where a dog so impounded is claimed by the owner, the fee for impounding and keeping the dog as fixed by the board of supervisors, shall be paid by the owner to the person, organization, or association having custody of the dog, to be retained by him or them, and no charge for fees pertaining to the dog shall be paid by the board of supervisors.

439.43. The refusal or failure of the owner of any such dog to pay the fee and charges after due notification shall be held to be an abandonment of the dog by the owner. Refusal to pay

Article 4. Livestock Indemnity Fund

Disposition of fees

439.55. All fees for the issuance of dog license tags and all fines collected under the provisions of this chapter shall be paid into the county treasury and shall constitute a fund to be known as the "livestock indemnity fund," which shall be used:

(a) First, to pay fees for the issuance of dog license tags.

(b) Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this chapter and all ordinances made pursuant to this chapter.

(c) Third, to pay damages to owners of livestock killed by dogs.

Claims

439.56. Each such claim shall be verified by the affidavits of two disinterested witnesses who shall fix the value of the livestock, the affidavits to be executed within four days after the finding of the carcasses of each animal and to establish the fact beyond reasonable doubt that the animal was killed by a dog or dogs. Such claims shall be paid from the fund provided for in this chapter in the same manner as other claims against the county are paid. The word "livestock" as used in this article includes domestic fowls and rabbits.

Article 5. Violations

Penalty

439.70. Violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) for the first offense, and for the second offense a fine of not less than fifty dollars ($50) and imprisonment in the county jail for 10 days or both.

Article 6. Liability of Owner

Damages

439.80. The owner of livestock or poultry injured or killed by any dog may recover as liquidated damages from the owner of the dog twice the actual value of the animals killed or twice the value of the damages sustained by reason of the injuries as the case may be. If two or more dogs kept by two or more owners or keepers injure or kill any livestock or poultry at the same time, the owners or keepers of the dogs are jointly and severally liable for the damage.

Article 7. Application to Cities

Cities

439.90. The provisions of Sections 439.01, 439.02, 439.24, 439.25, 439.26, 439.40, 439.41, 439.42, and 439.43, when adopted by the board of supervisors of any county, shall also apply throughout any city located in the county, whenever the governing body of the city by ordinance requests the application of the provisions within the confines of the city.

Repeal

SEC 2. Chapter 757 of the Statutes of 1921 is repealed.

CHAPTER 106

An act to codify Chapter 150 of the Statutes of 1947, relating to the marketing of farm products and to provide for the regulation of the unloading and handling thereof when delivered to markets, by adding Chapter 14 to Division 6 of the Agricultural Code, and repealing Chapter 150 of the Statutes of 1947.

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 14 is added to Division 6 of the Agricultural Code, to read:

CHAPTER 14. PRODUCE MARKETS

Article 1. General Provisions

3500. It is the purpose of this chapter to promote the orderly marketing of farm products and the establishment of reasonable charges for unloading such products at markets in this State. It is declared that in some of the markets of this State the charges for unloading farm products have been found to be exorbitant and unreasonable and that this chapter is enacted to remedy such evils and in the interests of the public welfare. Purpose

3501. This chapter does not apply to any produce dealer at whose place of business all farm products delivered are unloaded without charge by employees of the produce dealer either with or without the assistance of the operator of the vehicle transporting such products or other persons accompanying the operator on such vehicle. Nothing in this chapter prohibits any employee of a produce dealer from assisting in unloading farm products without charge when registered unloaders are not available. Exception

3502. The director may make such rules and regulations as he may deem necessary to carry out the provisions of this chapter and to effectuate its purposes. Director

3503. The director may exercise his powers and perform his duties under this chapter through the agency of any member or members of his staff designated by him for the purpose.

Article 2. Definitions

3525. The definitions in this article govern the construction of this chapter, unless otherwise apparent from the context. Definitions

3526. "Farm products" means fruits, nuts, vegetables and berries.

3527. "Produce dealer" includes "commission merchant" and "dealer" as defined in Section 1261, but does not include a "broker" as defined in that section nor a "processor" as defined in Section 1299.18.

3528. "City" includes city and county.

3529. "Director" means the Director of Industrial Relations.

3530. "Market" means the places of business, collectively, of produce dealers operating in a city or the vicinity thereof and dealing in farm products intended, in whole or in part, for ultimate sale for consumption in a fresh state within the city and the vicinity thereof, but this chapter applies only to markets in which five or more produce dealers operate.

3531. "Commissioner," with respect to any matter relating to a particular market, means the deputy labor commissioner who is in charge of the office of the Labor Commissioner located nearest to that market.

3532. "Registered unloader" means a person who unloads farm products in a market, but does not include a producer of farm products, or his son, father, or regularly employed employee, nor does it include the operator of any vehicle engaged in transporting farm products to market when the operation of such vehicle is subject to the jurisdiction of the Public Utilities Commission and when the rate charged for such transportation includes the charge for unloading the farm products so transported.

3533. "Association" means an association of produce dealers organized to carry out the responsibilities of produce dealers imposed by this chapter.

3534. "Union" means the labor union which has been recognized by the National Labor Relations Board, or other governmental agency having jurisdiction, as the bargaining agency for employees employed in a market.

Article 3. Charges for Unloading Produce

Charges

3555. Each produce dealer operating within a market shall establish a scale of charges for unloading farm products transported to his place of business and shall post and maintain a legible copy of such scale in a conspicuous place at his place of business where it is readily visible at all times during which farm products are delivered to such place of business.

3556. Any scale of charges established pursuant to this article may be modified from time to time in accordance with the method and procedure prescribed for establishing such scale.

3557. The scale of charges established, as provided in this article, shall be the standard charge for unloading farm products in the market.

3558. No person shall charge or receive any payment for unloading farm products in excess of the standard charge established for the market.

Method of establishment

3559. The scale of charges shall be established as follows:

(a) If the produce dealers in a market, or a majority of such produce dealers, either individually or through group representation, have an agreement with a union the scale of charges

shall be that prescribed in such agreement and approved as provided in this chapter. If an agreement covering any employees of produce dealers in a market does not cover persons unloading farm products the agreement shall be modified, or a new agreement made, to cover such persons.

(b) If there is no such union, the scale of charges shall be fixed by the produce dealers operating within the market.

In either event, the scale of charges shall be subject to the approval of the director.

3560. Upon the determination of a scale of charges for a market, the scale of charges shall be transmitted to the director. The director shall examine such scale and shall compare it with any available information relative to the charges for similar work performed under similar conditions in the city in or for which the market is operated. The director may take into consideration any and all factors relevant to the determination of the reasonableness of such charges, including any rates of the Public Utilities Commission for the performance of work of a similar nature

3561. If the director determines that the scale of charges is not unreasonable he shall approve the scale and thereafter the scale of charges shall be the standard charge for unloading farm products in the market.

Hearing

3562. If the director finds that the scale of charges is unreasonable he shall fix a time and place for a hearing on the matter.

Notice of such hearing shall be mailed to each produce dealer operating in the market and to the officials of the union if a union is involved. The director may also notify any or all producers of farm products delivered to the market.

3563. At the hearing the director shall consider any relevant matters that may be presented and at or after the conclusion of such hearing he shall so adjust the scale or any item thereof so that the scale is not unreasonably higher than the prevailing rate for similar work performed under similar conditions in the city or its vicinity.

Article 4. Registered Unloaders

Registration Unloaders

3585. Every person who unloads farm products in a market and who is a "registered unloader" as defined in this chapter shall register his name, Federal Social Security number, and address and union affiliation, if any, with the commissioner. The commissioner shall supply each registered unloader with a card of registration. Each registered unloader shall carry such card at all times while employed or seeking employment in unloading farm products in a market. No person within the definition "registered unloader" shall unload any farm products in a market unless registered as provided in this chapter.

Producers

3586. Every producer who transports farm products to a market may register himself, his father, and any or all of his sons, and regular full-time employees with the commissioner.

Such registration shall show the name of the producer, the registration number and other means of identification of his own personally owned vehicles, and the relationship of the registrant to the producer. Nothing in this chapter prohibits a person so registered from unloading farm products from a vehicle as to which he is so registered, and no such person shall be required to employ any other person to unload or assist in unloading such farm products nor to pay for any services not requested to be performed. The commissioner shall supply each such registrant with an appropriate card, which the registrant must carry at all times while engaged in unloading farm products at a market.

Producers' duties

3587. Every produce dealer operating in a market has the responsibility of providing that registered unloaders sufficient in number to do the work required shall be available at all times when farm products are being delivered to his place of business. He shall also be responsible for having on hand at his place of business at all such times a responsible person to receipt for farm products unloaded at his place of business.

Article 5. Association of Produce Dealers

Association Formation

3610. In order to facilitate the carrying out of their responsibilities under this chapter the produce dealers operating in a market may organize an association. No produce dealer shall be required to become or be a member of such association, but any such association shall admit to membership any produce dealer operating in the market and when so admitted no produce dealer shall be subject to any assessment or payment other than those necessary to carry out his responsibilities under this chapter.

Powers

3611. An association may obtain a dispatching service from which registered unloaders may be sent to the places where their services are required. An association may act as the bargaining agent to establish with a union the scale of charges for unloading farm products in the market in accordance with this chapter. An association may provide for watchman service to protect and receipt for farm products delivered to a market at times when the market is not otherwise in operation.

Charges for services

3612. The costs of services of an association to its members for carrying out any of the activities provided for or required by this chapter shall be subject to review by the director. No cost or expenditure for any other purpose shall be payable by any produce dealer except on an entirely voluntary basis. The director shall from time to time on his own motion or at the request of a produce dealer review the activities of the association to determine if any charge is made against any produce dealer in violation of this chapter.

Article 6. Penalties

Penalties

3625. The violation of any provision of this chapter by any person is a misdemeanor.

3626. The violation of any provision of this chapter by a produce dealer is grounds for the revocation of his license and the violation of any provision of this chapter by an association is grounds for the revocation of the license of each produce dealer participating in such violation.

SEC. 2 Chapter 150 of the Statutes of 1947 is repealed. Repeal

SEC. 3. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby. Constitutionality

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CHAPTER 107

An act to codify Chapter 1188 of the Statutes of 1949, relating to the creation, powers and duties of the Franchise Tax Board, by amending Sections 17003 and 23031 of the Revenue and Taxation Code and adding Part 10 to Division 3 of Title 2 of the Government Code, comprising Sections 15700, 15701, and 15702, and by repealing Chapter 1188 of the Statutes of 1949.

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 17003 of the Revenue and Taxation Code is amended to read:

17003. "Franchise Tax Board" means the Franchise Tax Board described in Part 10, Division 3, Title 2 of the Government Code. Definitions

"Board" means the State Board of Equalization.

SEC. 2. Section 23031 of said code is amended to read:

23031. "Franchise Tax Board" means the Franchise Tax Board described in Part 10, Division 3, Title 2 of the Government Code.

"Board" means the State Board of Equalization.

SEC. 3. Part 10, comprising Sections 15700, 15701, and 15702, is added to Division 3 of Title 2 of the Government Code, to read:

PART 10. FRANCHISE TAX BOARD

15700. There is in the State Government a Franchise Tax Board consisting of the State Controller, the Director of Finance and the chairman of the State Board of Equalization. The Franchise Tax Board is the successor to, and is vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Franchise Tax Commissioner, but the statutes and laws under which that office existed and all laws prescribing the duties, powers, purposes, responsibilities and jurisdiction of that office, together with all lawful rules and regulations established thereunder, are expressly continued in force "Franchise Tax Commissioner" when used in any statute, law, Franchise Tax Board "Franchise Tax Commissioner"

rule or regulation now in force, or that may hereafter be enacted or adopted, means the Franchise Tax Board. No action to which the Franchise Tax Commissioner is a party shall abate by reason hereof but shall continue in the name of the Franchise Tax Board, and the Franchise Tax Board shall be substituted for the Franchise Tax Commissioner by the court wherein the action is pending. The substitution shall not in any way affect the rights of the parties to the action.

Executive officer

15701. The Franchise Tax Board with the consent and approval of two-thirds of the Senate may appoint an executive officer who shall be a civil executive officer and shall perform such duties as are delegated to him by the Franchise Tax Board. The executive officer may be removed by the Franchise Tax Board only with the consent of two-thirds of the Senate The Legislature hereby requests the Franchise Tax Board to designate said executive officer as the person holding the position confidential to it, within the meaning of subdivision 5, of Section 4, Article XXIV of the Constitution. The annual salary of the executive officer is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. The executive officer shall employ, in addition to existing employees of the Franchise Tax Commissioner, such other assistants and clerical and other employees as he deems necessary for the effective conduct of his work, and shall fix their compensation in accordance with law.

Exercise of power

15702. Any power granted to, or duty imposed on, the Franchise Tax Board by any provision of law may be exercised or performed by any officer or employee of the board authorized by the board unless it is expressly provided that the power or duty shall be exercised or performed only by the board.

Repeal

SEC. 4. Chapter 1188 of the Statutes of 1949, and all acts amendatory thereof, are hereby repealed.

CHAPTER 108

An act to codify certain statutes, relating to surveying and mapping, by adding Division 8 to the Public Resources Code and repealing certain statutes specified herein.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Division 8 is added to the Public Resources Code, to read:

DIVISION 8. SURVEYING AND MAPPING

CHAPTER 1. CALIFORNIA COORDINATE SYSTEM

"California Coordinate System"

8801. The system of plane coordinates which has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the

surface of the earth within the State of California is the "California Coordinate System."

8802. For the purpose of the use of the California Coordinate System the State is divided into seven zones. Division into zones

The area included in the following counties constitutes Zone 1: Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity.

The area included in the following counties constitutes Zone 2: Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Lake, Mendocino, Napa, Nevada, Placer, Sacramento, Sierra, Solano, Sonoma, Sutter, Yolo, and Yuba.

The area included in the following counties constitutes Zone 3: Alameda, Calaveras, Contra Costa, Madera, Marin, Mariposa, Merced, Mono, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus, and Tuolumne.

The area included in the following counties constitutes Zone 4: Fresno, Inyo, Kings, Monterey, San Benito, and Tulare.

The area included in the following counties constitutes Zone 5: Kern, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.

The area included in the following counties constitutes Zone 6: Imperial, Orange, Riverside, and San Diego.

The area included in Los Angeles County constitutes Zone 7.

8803. As established for use in Zone 1, the California Coordinate System shall be named, and on any map on which it is used it shall be designated, the "California Coordinate System, Zone 1." Zone 1

The California Coordinate System, Zone 1, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 40 degrees 00 minutes and 41 degrees 40 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 122 degrees 00 minutes west longitude with the parallel 39 degrees 20 minutes north latitude, such point of control being given the coordinates: x (east) = 2,000,000 feet and y (north) = 0 feet.

8804. As established for use in Zone 2, the California Coordinate System shall be named, and on any map on which it is used it shall be designated, the "California Coordinate System, Zone 2." Zone 2

The California Coordinate System, Zone 2, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 38 degrees 20 minutes and 39 degrees 50 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 122 degrees 00 minutes west longitude with the parallel 37 degrees 40 minutes north latitude, such point of control being given the coordinates: x (east) = 2,000,000 feet and y (north) = 0 feet.

8805. As established for use in Zone 3, the California Coordinate System shall be named, and on any map on which it Zone 3

is used it shall be designated, the "California Coordinate System, Zone 3."

The California Coordinate System, Zone 3, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 37 degrees 04 minutes and 38 degrees 26 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 120 degrees 30 minutes west longitude with the parallel 36 degrees 30 minutes north latitude, such point of control being given the coordinates: x (east) = 2,000,000 feet and y (north) = 0 feet.

Zone 4

8806. As established for use in Zone 4, the California Coordinate System shall be named, and on any map on which it is used it shall be designated, the "California Coordinate System, Zone 4."

The California Coordinate System, Zone 4, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 36 degrees 00 minutes and 37 degrees 15 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 119 degrees 00 minutes west longitude with the parallel 35 degrees 20 minutes north latitude, such point of control being given the coordinates: x (east) = 2,000,000 feet and y (north) = 0 feet.

Zone 5

8807. As established for use in Zone 5, the California Coordinate System shall be named, and on any map on which it is used it shall be designated, the "California Coordinate System, Zone 5."

The California Coordinate System, Zone 5, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 34 degrees 02 minutes and 35 degrees 28 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 118 degrees 00 minutes west longitude with the parallel 33 degrees 30 minutes north latitude, such point of control being given the coordinates: x (east) = 2,000,000 feet and y (north) = 0 feet.

Zone 6

8808. As established for use in Zone 6, the California Coordinate System shall be named, and on any map on which it is used it shall be designated, the "California Coordinate System, Zone 6."

The California Coordinate System, Zone 6, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 32 degrees 47 minutes and 33 degrees 53 minutes, along which parallels the scale shall be exact The point of control of coordinates is at the intersection of the meridian 116 degrees 15 minutes west longitude with the parallel 32 degrees 10 minutes north latitude, such point of control being given the coordinates: x (east) = 2,000,000 feet and y (north) = 0 feet.

Zone 7

8809. As established for use in Zone 7, the California Coordinate System shall be named, and on any map on which it is

used it shall be designated, the "California Coordinate System, Zone 7."

The California Coordinate System, Zone 7, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 33 degrees 52 minutes and 34 degrees 25 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 118 degrees 20 minutes west longitude with the parallel 34 degrees 08 minutes north latitude, such point of control being given the coordinates: x (east) = 4,186,692.58 feet and y (north) = 4,160,926.74 feet.

8810. The plane coordinates of a point on the earth's surface, to be used in expressing the position or location of the point in the appropriate zone of this system, shall consist of two distances, expressed in feet and decimals of a foot. One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction from the Y axis; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction from the X axis. The Y axis of any zone shall be parallel with the meridian passing through the point of control of that zone. The X axis of any zone shall be at right angles to the meridian which passes through the point of control of that zone.

8811. The plane coordinates of a point in any zone shall be made to depend upon and conform with the plane coordinates of the triangulation and traverse stations of the United States Coast and Geodetic Survey within the State of California, as those coordinates shall be determined to conform with the provisions of this chapter.

8812. If the survey of any parcel of land extends from one coordinate zone into another, the positions of all points delineated upon the map thereof may be referred to either of these zones. The zone which is used shall be specifically named in the title upon the map.

8813. The position of the California Coordinate System shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and whose coordinates have been computed on the system defined. Any survey or map purported to be based on the California Coordinate System shall have established connections to at least two of such stations.

Title to real property

8814. If any instrument affecting the title to real property contains a reference to a point or line established in accordance with the California Coordinate System of Surveying and also a reference to a point or line established with reference to data appearing of record in the county recorder's office, in a manner which will cause a conflict in position, the reference to the point or line established with reference to recorded data is controlling.

8815. The use of the term "California Coordinate System" on any map or in any field notes referring to the system shall be limited to coordinates based on the California Coordinate System as defined in this chapter.

Use optional

8816. The use of the California Coordinate System by any person, corporation, or governmental agency engaged in land surveying or mapping is optional.

CHAPTER 2. TOPOGRAPHICAL MAPPING

Topographical mapping

8831. It is the policy of the State of California to provide for basic topographic map coverage in aid of development and conservation of the natural and economic resources of the State.

"Department"

8832. As used in this chapter, "department" means the Department of Public Works.

8833. The department, acting through the State Engineer, shall investigate and prepare a complete report on mapping, including plans and recommendations for an adequate mapping program for California, and shall adopt a general plan and program for the accomplishment of the policy declared in this chapter. The general plan and program so adopted, or as amended or modified, shall be the authorized general plan and program to be carried out by the department. The department may from time to time make such further investigations and reports upon mapping as deemed proper by it in pursuance of the policy declared in this chapter.

Cooperation with Federal Government

8834. All map production work to be undertaken pursuant to this chapter shall be in cooperation with the Federal Government. With the approval of the Department of Finance, the department may enter into agreements or contracts with the Federal Government or any of its agencies for performance of map production work in accordance with the general plan and program.

Repeals

SEC. 2. Chapter 1424 of the Statutes of 1945 and Chapter 1307 of the Statutes of 1947 are repealed.

CHAPTER 109

An act to codify certain statutes relating to forestry, by adding Chapters 3.5, 7 5, and 10 to Division 4 of the Public Resources Code, and repealing certain statutes specified herein.

In effect September 9, 1953

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953]

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

SECTION 1. Chapter 3.5 is added to Division 4 of the Public Resources Code, to read:

CHAPTER 3.5. PRESERVATION OF BIG TREES

State policy

4501. It is the policy of the State of California to preserve as far as possible the species Sequoia gigantea in the interest of

conservation, both of soil and of the species itself, and for the benefit of present and future generations.

4502. Upon the finding of the State Park Commission or State Forester, or both, that any Sequoia gigantea grove is suitably situated and is of a size and character which justifies its preservation by and for the public, it is the policy of the State to acquire the grove for preservation and conservation purposes.

Construction

4503. Nothing in this chapter shall be construed as establishing a policy to acquire any such Sequoia gigantea groves for preservation and conservation out of any money appropriated for acquisition of land for park purposes by Chapter 1422, Statutes of 1945.

Penalties

4504. Any person who wilfully cuts down, strips of its bark, or destroys by fire, any tree "over sixteen feet in diameter," in the groves of big trees situated in the counties of Fresno, Tulare, or Kern, is guilty of a misdemeanor, and is punishable by fine of not less than fifty dollars ($50) nor more than three hundred dollars ($300), or by imprisonment in the county jail not less than 25 days nor more than 150 days, or by both such fine and imprisonment.

Informer

4505. Upon the arrest and conviction of any person for violation of Section 4504, the party informing is entitled to one-half of the fines collected.

SEC. 2. Chapter 7.5 is added to Division 4 of said code, to read:

CHAPTER 7.5. RANGE CLEARANCE AND REVEGETATION

Purpose

4861. The purpose of this chapter is to promote the public security by eliminating fire hazards and to reduce the risk of uncontrolled fires which result in great annual financial losses to the people of the State, to increase range forage, to return waste lands to production, and to reduce the danger of incendiarism.

It is also the purpose of this chapter to provide means and facilities to determine the effects of controlled clearing and revegetation and burning of brush covered lands which are primarily valuable for range or forage purposes as a part of the legislative policy of providing for and carrying on a continued study of range improvement.

Scope of program

4862. The Division of Forestry of the Department of Natural Resources shall engage in a program of experimental controlled land clearance and revegetation with respect to lands which are used or useful principally for range or forage purposes and which lie within that area the fire protection of which is primarily state responsibility. This program shall also include such research as may be necessary before and after clearance of the lands to determine the value of the methods used in relation to the purposes of this chapter.

4863. The division shall determine the effects of the clearance and the value of the methods used, with reference to fire

protection and prevention, watershed protection and conservation, the prevention of soil erosion, and the increased economic value of the cleared lands insofar as they are made available for range and forage purposes.

Reports

4864. The division shall from time to time prepare reports setting forth data as to the experiments conducted and its findings and conclusions, and shall submit the reports to the Legislature upon the convening of each regular session.

4865. All state agencies and other official organizations, and all persons connected therewith, shall give the division full information and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control, with reference to the purposes of this chapter.

4866. This chapter does not affect the expenditure of funds appropriated for the support of the Division of Forestry for related purposes in performance of its ordinary functions of fire protection.

SEC. 3. Chapter 10 is added to Division 4 of said code, to read:

CHAPTER 10. FOREST PRACTICES

Article 1. General Provisions and Definitions

Purpose

4901. The purpose of this chapter is to declare the existence of a public interest in the forest resources and timberlands of this State; to declare the necessity of good forest practices in the processes of harvesting the forest resources, and conserving and maintaining the productivity of the timberlands in the interests of the economic welfare of the State and the continuance of the forest industry; to establish forest districts in which standards of forest practice shall be adopted to promote the maximum sustained productivity of the forests; to authorize the creation of district forest practice committees which shall formulate and adopt forest practice rules, and approve forest management plans for final approval of the State Board of Forestry; to specify the manner in which forest practice rules shall be administered; and to provide for the functioning of the district forest practice committees in an advisory capacity to the State Board of Forestry.

State policy

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

Exercise of powers

4902. The State Forester, acting in accordance with the policies adopted by the State Board of Forestry and under the supervision and direction of the Director of Natural Resources,

shall administer this chapter, and may exercise all powers necessary to accomplish its purposes and intent.

4903. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

Definitions

4904. "Timberland" means land upon which is growing a crop of trees of any species which are of sufficient size and quality to be capable of furnishing raw material used in the manufacture of lumber and other forest products.

4905. "Cutover land" means land which has borne a crop of commercial timber from which at least 70 percent of the merchantable original growth timber stand has been removed or destroyed by logging, fire, insects, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber and other forest products and which has not been converted to other commercial or agricultural use.

4906. "Person" means any individual, copartnership, firm, corporation, or company, or a recognized agent or representative thereof.

4907. "Timber owner" and "private timber owner" mean any person owning commercial timber, timberland, cutover land, or timber rights on lands of another other than a governmental agency.

4908. "Timber owner-operator" means any private timber owner who cuts and removes timber and other forest products from timberlands.

4909. "Farmer-timber owner" means any timber owner whose principal business is that of farming or ranching but included in whose property holdings are areas of commercial timber.

4910. "Timber operator" means any person engaged in timber operations, and responsible for compliance with this chapter in the timber operations.

4911. "Timber operations" means the cutting and removal of timber or other forest products from timberlands for commercial purposes.

4912. "Board" means the State Board of Forestry.

4913. "Director" means the Director of Natural Resources.

4914. "Committee" means the district forest practice committee.

4915. "District" means forest district.

4916. "Rules" means the district forest practice rules.

4917. "Permit" means a permit to engage in timber operations, issued pursuant to Article 4.

Article 2. Forest Districts

Forest districts

4926. The privately owned commercial forest areas of the State are divided into four regional groups known as forest districts. Each district comprises all privately owned timberland and all privately owned cutover lands, lying within the boundaries of the district as defined by this article.

4927. The Redwood Forest District comprises the area situated between the Pacific Ocean and the eastern edge of the natural occurrence of redwood timber in the Counties of Del Norte, Humboldt, Mendocino, Napa, Sonoma, Marin, San Mateo, Santa Clara, Santa Cruz, and Monterey.

4928. The North Sierra Pine Forest District comprises the area bounded on the north by the State of Oregon, on the east by the State of Nevada, on the south by the Feather and Bear Rivers, a direct line east from the source of the Bear River to the Nevada state line, and on the west by the Sacramento River and the Shasta River to its confluence with the Klamath River and thence north to the Oregon state line.

4929. The South Sierra Pine Forest District comprises the area bounded on the north by the Feather and Bear Rivers, a direct line east from the source of the Bear River to the Nevada state line, on the east by the Nevada and Arizona state lines, on the south by the Republic of Mexico, and on the west by the Sacramento and San Joaquin River Valleys and extending south to the southern limit of the commercial timber belt.

4930. The Coast Range Pine and Fir Forest District comprises the area bounded on the north by the State of Oregon, on the east by the Sacramento River and the Shasta River to its confluence with the Klamath River, thence north to the Oregon state line, on the west by the eastern boundary of the Redwood Forest District and extending south to the southern limit of the commercial timber belt which is north and west of the Sacramento River Valley.

Article 3. Forest Practice Rules

District committees

4936. For the purpose of assisting in administering this chapter, a district forest practice committee, consisting of five members, shall be established for each district.

4937. Four of the members of the committee shall be appointed by, and hold office at, the pleasure of the Governor. Of these four members, two shall be private timber owner-operators in the district, one shall be a private timber owner owning 1,000 acres or more of commercial timber in the district and who does not conduct any logging or milling operations, and one shall be a farmer-timber owner owning not less than 160 acres nor more than 1,000 acres of commercial timber in the district.

4938. The fifth member shall be a member of the board or an employee of the Division of Forestry designated by the board to represent it. He shall be the secretary of the committee and shall meet with and take part in all deliberations of the committee, but shall not have the power of a vote except in the case of a tie.

4939. The appointive members of the committee shall receive no compensation for their services or expenses in connection with their service on the committee.

4940. The committee shall advise and assist the board and the lumber industry in the establishment of forest conservation

practices on privately owned land. In advising and assisting the board, the committee shall not interfere with any of the powers and duties of the board.

Rules Development

4941. Each committee shall develop forest practice rules for the district to fulfill the purposes of this chapter. The rules shall apply to old growth and second growth timber and shall include fire protection devices and practices, protection against operations in logging which unnecessarily destroy young timber growth or timber growing conditions of the soil, protection and prevention from damage by forest insects and disease, and provisions for the restocking of the land after cutting, by natural or artificial methods.

Approval

4942. The committee shall adopt the rules for the district after due notice and hearings. The committee shall submit the rules to the private timber owners within the district for approval. If the rules are approved by two-thirds of the private timber ownership voting in the district, the percentage to be measured by the acreage of timber and cutover land privately owned in the district, they shall be submitted to the board for approval.

Balloting

4943. For the purpose of balloting on the approval or disapproval of the rules, the private timber owners within the district shall be deemed to be the owners of record appearing on the current assessment roll of the county in which the timberlands are situated. The proposed rules and ballots shall be sent by registered mail to the owners of record to the address of record upon the assessment rolls. All ballots upon the proposed rules shall be returned to the State Forester within 60 days from the date of mailing to the owners. The State Forester shall complete the counting of the ballots within 70 days after the date of mailing. All timber acreage not voted on the ballots received within the specified time shall be excluded from the total timberland acreage of the district in determining the percentage of the approval or disapproval of the rules. Where the ownership of timberlands is of record as being owned by more than one person, company, or corporation, the percentage of acreage in such multiple ownership shall be apportioned in such percentages as the percentage appears upon the assessment rolls of the counties in the district. If the multiple ownership is divided into separate ownership of land and timber or land and timber rights, the owners of record of the land and timber shall be deemed to hold the right of vote of one-half of the total land acreage involved for land ownership and one-half of the total land acreage involved for timber ownership.

Alternate plans

4944. The committee may receive and approve forest management plans submitted by owners of timberland in the district as a substitute for the rules approved for that district.

4945. The committee may receive and approve plans of procedure submitted by owners of timberland in the district as an alternate to any requirement of the forest practice rules approved for that district, if the alternate plan, in the opinion

of the committee, will accomplish greater silvicultural or protectional management of the timberland of the owner than is provided for by the existing requirement of the rules approved for that district.

4946. If, in the opinion of the Board, the rules of forest practice, forest management plans, and alternate plans are sufficient to accomplish the purposes and intent of this chapter, they shall be approved by the board.

If any of the rules submitted are disapproved by the board, they shall be returned to the committee with recommendations for amendments. Action upon the recommended amendments shall follow the same procedure as provided for the adoption of the initial rules.

If the board finds that a forest management plan which has been submitted for approval is inadequate, it shall return the plan to the committee and the timber owner who submitted it, for concurrence in suggested amendments which will fulfill the purposes and intent of this chapter.

If the board finds that an alternate plan which has been submitted for approval does not accomplish the purposes and intent of the rule for which the alternate plan is to be substituted, it shall return the plan to the committee and the timber owner who submitted it, for concurrence in suggested amendments which will fulfill the purposes and intent of this chapter.

Compliance

4947. Forest practice rules, forest management plans, and alternate plans, approved by the board, have the force of law within the district in which the rules originated. Except as otherwise provided in this section, all timber owners in the district shall comply with the rules If any owner of timberland has submitted a forest management plan which has been approved by the board, he is subject only to compliance with the forest practices which are a part of the forest management plan. If any owner of timberland has submitted an alternate plan which has been approved by the board he is subject to compliance with the rules as modified by the alternate plan. Timberland owners who give satisfactory proof that the timberlands being cut, or to be cut, are to be devoted, in a bona fide manner, to other than a timber growing use, are not subject to compliance with the rules, but they shall comply with existing state fire laws and the fire prevention and fire suppression practices of the rules for the district.

Amendment

4948. Upon receipt by the board of a petition, signed by 50 percent of the private timber and cutover land ownership in an established district, requesting amendments to the rules of the district, or upon determination of the State Forester that the rules of any district should be amended, the board shall order the committee of the district in which the proposed amendments will apply to review the petition or the request of the State Forester and to conduct public hearings in connection therewith. If the committee concludes, after the public hearings, that the rules should be amended to meet any of the demands of the petition, or of the request of the State Forester, the committee

shall submit its findings to the board for its approval or rejection.

4949. If the findings and proposed amendments, submitted by the committee, are approved by the board, it shall publish a notice of its approval and the full text of the proposed amendments in a newspaper of general circulation in each county of the district in which the amended rules are to apply. The notice shall appear in at least three consecutive publications of the newspaper at intervals of not less than one week. The over-all period of the publications shall not exceed 30 days. At the first regular meeting of the board, following the expiration of the time allotted for publication of the approved amendments, the board by resolution, shall declare the amended rules to be in effect and have the force of law.

Enforcement

4950. The director shall require the State Forester to make periodic inspections of timber operations to determine and require compliance with the rules and forest management plans or alternate plans.

Article 4. Registration and Permits

Penalty

4961. Any timber operator who engages in the cutting or removing of timber or other forest products, for commercial purposes, from forest lands without having a valid permit to do so from the State Forester is guilty of a misdemeanor and shall be prohibited from engaging in timber operations.

Notification

4962. All timber owners upon whose holdings timber operations are proposed, shall notify the State Forester of the proposed timber operation and its location. In the notice, the timber owner shall state the name and address of the timber operator who will engage in the timber operations. Whenever possible, the location of the proposed timber operation shall be given by a legal subdivision description.

Registration and permits

4963. All timber operators shall register with the State Forester. As a part of such registration the timber operator shall agree to conduct the timber operations pursuant to this chapter and to the rules of the district in which the timber operation is conducted. Upon receipt of the registration, the State Forester, or his designated agent, shall issue a permit for the current calendar year, or the remainder thereof, authorizing the permittee to engage in the timber operations. The permit, or a copy thereof, shall be available for inspection at all times in the area in which the timber operations are being conducted.

Renewal

4964. Permits shall be renewed each calendar year. Registrations shall be renewed not more than 60 days or less than 30 days prior to the first day of January of each year.

Suspension and revocation

4965. If any timber operator fails to comply with the rules applicable to the district in which the timber operation is conducted, or fails to comply with a forest management plan approved by the board, or fails to comply with the rules modified by an alternate plan, the director may suspend or revoke his permit.

4966. No action to suspend or revoke a permit shall be invoked until the timber operation has been inspected, a written notice given the timber operator stating the items in which the timber operator is not complying with the rules, management plan, or alternate plan, and until the timber operator has been given a reasonable time, after receipt of the notice, in which to revise his timber operation to comply with the rules he is violating.

4967. The director shall conduct all proceedings to suspend or revoke a permit pursuant to Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director has all the powers granted therein.

Repeals

SEC. 4. The following acts are repealed:

Year	Chapter	Page
1873-4	249	347
1945	85	394
1945	1420	2672
1951	1652	3744

CHAPTER 110

An act to repeal Chapter 363 of the Statutes of 1913 and Section 6625 of the Welfare and Institutions Code, relating to the asexualization of idiots and fools.

In effect September 9, 1953

[Approved by Governor April 6, 1953. Filed with Secretary of State April 7, 1953.]

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

Repeal

SECTION 1. Chapter 363 of the Statutes of 1913 is repealed.

SEC. 2. Section 6625 of the Welfare and Institutions Code is repealed.

Effect

SEC. 3. Section 2 of this act becomes operative only if Section 6625, codifying Chapter 363 of the Statutes of 1913, is added to the Welfare and Institutions Code by the Legislature at its 1953 Regular Session, and in such case at the same time as said section takes effect.

CHAPTER 111

An act to amend Section 28144 of the Government Code, relating to salaries of officers in counties of the forty-fourth class.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Section 28144 of the Government Code is amended to read:

Compensation of county officers: San Benito County

28144. In a county of the forty-fourth 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, eight hundred dollars ($800) a year.

(b) The district attorney, three thousand four hundred twenty dollars ($3,420) a year.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year and twenty cents ($0.20) a mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

(d) Grand jurors and trial jurors in the superior court, three dollars ($3) for each day's attendance while engaged in the performance of the duties required of them, and fifteen cents ($0.15) for each mile actually traveled, in going only, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

CHAPTER 112

An act to add Sections 371, 372, and 373 to the Education Code, relating to the sale of publications produced by the county superintendent of schools.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 371 is added to the Education Code, to read:

371. The county superintendent of schools may sell publications produced by him.

Sale of school publications

SEC. 2. Section 372 is added to said code, to read:

372. The county superintendent of schools, with the approval of the county board of education, may fix the price not to exceed the estimated cost of production for the sale of any publication produced by him.

SEC. 3. Section 373 is added to said code, to read:

373. All moneys received from the sale of publications produced by the county superintendent of schools shall be deposited to the credit of the fund against which the cost of printing the publication was charged.

SEC 4. This act does not authorize a county superintendent of schools to prepare or publish written materials, the preparation or publication of which is not otherwise authorized by law.

CHAPTER 113

An act to codify certain statutes relating to the system of education and schools of the State, by adding Article 12 to Chapter 1 of Division 5 of the Education Code, Section 20463 to said

code, Chapter 7 to Division 12 of said code, and Article 3 to Chapter 6 of Division 12 of said code, and to repeal certain acts specified herein.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

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

SECTION 1. Article 12, comprising Section 10221, is added to Chapter 1 of Division 5 of the Education Code, to read:

Article 12. Aviation Education

Aviation education

10221. The Department of Education shall aid and assist in the development and conduct of a program of aviation education, including education and training in preflight subjects, flight indoctrination, and courses on the economic and social implications of aviation in the postwar world, which program is sponsored and conducted in cooperation with the Public School System by the Civil Air Patrol, a civilian auxiliary of the Army Air Forces. In furtherance of such program, the department shall cooperate with and assist the Civil Air Patrol to the fullest extent compatible with law. This article shall be liberally construed in furtherance of its purpose.

SEC. 2. Section 20463 is added to said code, to read:

Training program for teachers of handicapped

20463. The Department of Education may authorize the establishment of a teacher training program for teachers of speech correction, lip reading, the deaf, the blind, spastics, physically handicapped, and mentally retarded at a state college.

SEC. 3. Chapter 7, comprising Sections 24801 to 24812, inclusive, is added to Division 12 of said code, to read:

CHAPTER 7. FOREIGN LANGUAGE SCHOOLS

"Board"

24801. "Board," as used in this chapter, means State Board of Education.

License

24802. No person, firm, corporation, association, society, or other organization shall conduct, maintain, or operate any school, institute, class, or course for the purpose of teaching any foreign language, or in which any foreign language is taught, without applying for and being granted a license from the board to conduct, maintain, or operate such school, institute, class, or course.

24803. Applications for license shall be made to the board on forms prescribed by the board.

24804. The application shall be accompanied with a verified statement showing the language or languages to be taught, the purpose for which the school, institute, class, or course is to be maintained and conducted, the nature and extent of the instruction to be given, and as to whether the school, institute, class, or course shall be open to minors, adults, or both, or to foreigners or aliens or to citizens of the United States, or to both foreigners and citizens.

24805. Where a hearing upon the application is held, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board has all the powers granted therein. Hearing

24806. No license shall be granted for any such school, institute, class, or course where it appears: Schools ineligible for license

(a) The school, institute, class, or course is not open to minors or citizens of the United States.

(b) The instruction proposed to be given or the manner in which such instruction is to be given creates or materially tends to create disloyalty to the Government of the United States or the State of California.

(c) The instruction proposed to be given or the manner in which or the general conditions under which such instruction is to be given creates or materially tends to create loyalty to any foreign government, emperor, king, prince, potentate, or leader.

(d) The instruction proposed to be given or the manner in which or the conditions under which such instruction is to be given subverts or materially tends to subvert the loyalty of any pupil, citizen of the United States, to the Government of the United States or to the State of California.

(e) Such school, institute, class, or course is to be conducted in a fraudulent manner.

24807. Licenses shall not be required of, and this chapter shall not be construed to apply to, any public school, college, or university of this State, or any institution of collegiate rank or grade in existence on January 1, 1943 A license shall not be required of any school established and maintained by a religious denomination or sect well established as such, and maintaining and operating one or more schools within this State, other than in a war relocation center, on August 4, 1943 Schools not needing license

24808. A school, institute, class, or course licensed pursuant to this chapter shall be subject to visitation and supervision by any officer or employee of the Department of Education designated by the board. Supervision

24809. A license granted pursuant to this chapter is subject to revocation by the board, upon due notice after an opportunity to be heard before the board, or a committee thereof, or an officer of the board in each case designated by the board. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein Revocation of license

24810. A license shall be revoked when it appears to the satisfaction of the board that the school, institute, class, or course is being conducted, maintained, and operated under the conditions prescribed in this chapter as being sufficient for a denial of such license.

24811. Any person, firm, corporation, association, society, or other organization, or any representative or employee thereof, maintaining, conducting, or operating a school, institute, class, or course without a license is guilty of a misdemeanor. Penalty

Injunction

24812. Whenever it appears that any person, firm, corporation, association, society, or other organization is maintaining or conducting or operating a school, institute, course, or class without a license, an appropriate action may be brought on behalf of the people of the State of California by the Attorney General to restrain such person, firm, corporation, association, society, or other organization, or any representative or employee thereof, from continuing the maintenance, conduct, or operation of such school, institute, course, or class without such license.

SEC. 4. Article 3, comprising Sections 24651 to 24653, inclusive, is added to Chapter 6, Division 12 of said code, to read:

Article 3. Printing Schools

Prohibited publishing and printing

24651. No printing concern, institution, or other agency maintaining a printing plant or department for the purpose of instruction or the teaching of the art of printing, or allied arts, and whose purpose is to teach or instruct its students or members, shall produce, print, or cause to be printed any material whatsoever that may be placed on the market in competition with regularly established printing plants or concerns, if such printing concern, institution, or other agency is supported or operated from public or state funds or is tax-free in any manner.

Exceptions

24652. This article does not apply to:

(a) Any institution classified as an educational institution within the meaning and intent of Section 101 of the Internal Revenue Code of the United States or of Section 23701e of the Revenue and Taxation Code and which, nevertheless, pays general state and county taxes within this State upon any printing plant and printing equipment owned by it.

(b) The production of forms, materials, and supplies at any state educational institution under the exclusive management and control of the State and authorized by law.

(c) Any publication, printed and produced at any state educational institution under the exclusive management and control of the State for the dissemination of technical or scientific information and which is sold at cost.

(d) Printing which may be classified as "instruction" or "student activity."

Penalty

24653. The violation of this article is a misdemeanor.

Repeals

SEC. 5. The following acts are repealed:

Year	Chapter	Page
1943	921	2785
1945	950	1832
1945	1440	2719
1947	1535	3165

CHAPTER 114

An act to amend Section 11166.12 of the Health and Safety Code, relating to narcotic prescriptions.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11166.12 of the Health and Safety Code is amended to read:

Narcotic prescriptions

11166 12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrohydroxycodeinone, or dihydrocodeinone combined with other nonnarcotic medicinal ingredients.

(b) Codeine in combination with any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodeinone.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other nonnarcotic medicinal ingredients except codeine.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduced to writing within twenty-four (24) hours, by the pharmacist. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

CHAPTER 115

An act to add Section 17310.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953 Filed with Secretary of State April 8, 1953.]

In effect immediately

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

SECTION 1. Section 17310.1 is added to the Revenue and Taxation Code, to read:

Exceptions to Rev and Tax Code Sec 17310

17310.1. Section 17310 shall not apply with respect to debts owed by (a) any political party, (b) any national, state, or local committee of any political party, or (c) any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of presidential or vice-presidential

electors or of any individual whose name is presented for election to any federal, state, or local elective public office, whether or not such individual is elected. For the purpose of this section, the terms "contributions" and "expenditure" shall have the meanings prescribed for such terms in Section 591 of Title 18 of the United States Code.

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.

Effective date of changes

SEC. 3. 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, 1952, 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.

CHAPTER 116

An act to amend Sections 17316, 17317, 17321.3, 17321.5, 17321.7 and 17357 of, and to add Section 17321.9 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 17316 of the Revenue and Taxation Code is amended to read:

Gift deductions

17316. Deductions for contributions or gifts shall be allowed to an amount which in all cases listed in Section 17315 combined does not exceed 20 percent of the taxpayer's adjusted gross income. The contributions or gifts shall be allowed as deductions only if verified under rules and regulations prescribed by the Franchise Tax Board.

SEC. 2. Section 17317 of the Revenue and Taxation Code is amended to read:

17317. In the case of an individual if in the taxable year and in each of the 10 preceding taxable years the amount of the contributions or gifts described in Section 17315, plus the amount of income, war profits, or excess profits taxes paid during such year in respect of preceding taxable years, exceeds 90 percent of the taxpayer's net income for each such year, as computed without the benefit of that section, then the 20 percent limit does not apply.

SEC. 3. Section 17321.3 of the Revenue and Taxation Code is hereby amended to read:

17321.3. As used in Section 17321, "renegotiation" includes: "Renegotiation"

(a) Any transaction which is a renegotiation within the meaning of the federal renegotiation act applicable to such transaction;

(b) Any modification of one or more contracts with the United States or any agency thereof; and

(c) Any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

SEC. 4. Section 17321.5 of the Revenue and Taxation Code is hereby amended to read:

17321.5. As used in Section 17321, "excessive profits" includes: "Excessive profits"

(a) Any amount which constitutes excessive profits within the meaning assigned to such term by the applicable federal renegotiation act;

(b) Any part of the contract price of a contract with the United States or any agency thereof;

(c) Any part of the subcontract price of a subcontract under a contract; and

(d) Any profits derived from one or more contracts or subcontracts.

SEC. 5. Section 17321.7 of the Revenue and Taxation Code is amended to read:

17321.7. As used in Section 17321, "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to that term by the applicable federal renegotiation act. "Subcontract"

SEC. 6. Section 17321.9 is added to the Revenue and Taxation Code, to read:

17321.9. The term "federal renegotiation act" includes Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, Seventy-seventh Congress, Second Session), as amended or supplemented, and the Renegotiation Act of 1948, as amended or supplemented, and the Renegotiation Act of 1951, as amended or supplemented. "Federal Renegotiation Act"

SEC. 7. Section 17357 of the Revenue and Taxation Code is amended to read:

17357. In computing net income no deduction shall be allowed under Section 17301 for any contribution or gift which would be allowable as a deduction under Sections 17315 and 17316 were it not for the 20 percent limitation therein contained and for the requirement therein that payment must be made within the taxable year. Limitation

SEC. 8. 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. Tax levy

Effective date of changes

SEC. 9. 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, 1952, 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.

CHAPTER 117

An act to amend Section 17122 of, and to add Sections 17324.18, 17697.1, 17727 and 17729 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 17122 of the Revenue and Taxation Code is amended to read:

Amounts not included in gross income

17122. Gross income does not include amounts received—

(a) Under a life insurance contract, paid by reason of the death of the insured; or

(b) Under a contract of an employer providing for the payment of such amounts to the beneficiaries of an employee, paid by reason of the death of the employee;

whether in a single sum or otherwise (but if such amounts are held by the insurer, or the employer, under an agreement to pay interest thereon, the interest payments shall be included in gross income). The aggregate of the amounts excludable under (b) by all the beneficiaries of the employee under all such contracts of any one employer may not exceed five thousand dollars ($5,000).

SEC. 2. Section 17324.18 is added to the Revenue and Taxation Code, to read:

Insurance salesmen as "employees"

17324.18. For the purpose of applying the provisions of this article with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan, or by a trust forming part of such a plan, the term "employee" shall include a full-time life insurance salesman who is considered an employee for the purpose of subchapter A of Chapter 9 of the Federal Internal Revenue Code, or in the case of services performed before January 1, 1953, who would be considered an employee if services were performed during 1953.

SEC. 3. Section 17697.1 is added to the Revenue and Taxation Code, to read:

17697.1. If the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval. Date of option

SEC. 4. Section 17727 is added to the Revenue and Taxation Code, to read:

17727. (a) Gain by a dealer in securities from the sale or exchange of any security shall in no event be considered as gain from the sale or exchange of a capital asset unless— Securities profits as capital gains

(1) The security was, prior to the expiration of the thirtieth day after the date of its acquisition or after the date of the enactment of this section (whichever is the later), clearly identified in the dealer's records as a security held for investment; and

(2) The security was not, at any time after the expiration of such thirtieth day, held by such dealer primarily for sale to customers in the ordinary course of his trade or business.

(b) Loss by a dealer in securities from the sale or exchange of any security shall in no event be considered as loss from the sale or exchange of property which is not a capital asset if at any time after the thirtieth day following the date of the enactment of this section the security was clearly identified in the dealer's records as a security held for investment.

(c) For the purposes of this section the term "security" means any share of stock in any corporation, certificate of stock or interest in any corporation, note, bond, debenture, or evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing.

SEC. 5. Section 17729 of the Revenue and Taxation Code is added, to read:

17729. Amounts received from the assignment or release by an employee, after more than 20 years' employment, of all his rights to receive, after termination of his employment and for a period of not less than five years (or for a period ending with his death), a percentage of future profits or receipts of his employer shall be considered an amount received from the sale or exchange of a capital asset held for more than two years but not for more than five years, if such rights were included in the terms of the employment of such employee for not less than 12 years, and if the total of the amounts received for such assignment or release are received in one taxable year and after the termination of such employment. Employee releases of profit expectancies as capital gains

SEC. 6. 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. Tax levy

SEC 7. 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, 1952, 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, Effective date of changes

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.

CHAPTER 118

An act to add Sections 17125.9 and 17746.5 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 17125.9 is added to the Revenue and Taxation Code, to read:

Joint and survivor's annuity contract

17125.9. For purposes of Sections 17123, 17124, 17125, 17125.5, and 17125.7, where amounts are received by a surviving annuitant under a joint and survivor's annuity contract and the basis of such survivor annuitant's interest is determined under Section 17746 the consideration paid for such survivor's annuity shall be considered to be an amount equal to such basis

SEC. 2. Section 17746.5 is added to the Revenue and Taxation Code, to read:

17746.5. For the purposes of this section and Sections 17746 and 17746.3, the survivor's interest in a joint and survivor's annuity shall be considered to be property "acquired by bequest, devise or inheritance" from the decedent if the death of the decedent was after December 31, 1952, and if the value of any part of such interest was required to be included in determining the value of the decedent's interest taxable under the California Inheritance Tax Law.

Tax levy

SEC. 3. 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.

Effective date of changes

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, 1952, 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.

CHAPTER 119

An act to amend Section 17748 of, and to repeal Section 17672 of, and to add Sections 17672, 17672.1, 17672.2, 17672.3, 17672.4 and 18586.5 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

In effect immediately

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

SECTION 1. Section 17672 of the Revenue and Taxation Code is hereby repealed. Repeal

SEC. 2. Section 17672 is added to the Revenue and Taxation Code, to read:

17672. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted— Involuntary conversion

(a) Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(b) Into money, and the disposition of the converted property occurred before January 1, 1953, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Franchise Tax Board, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain). For the purposes of this section and Section 17672.1, the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(c) Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in paragraph (b)) occurred after December 31, 1952, the gain (if any) shall be recognized except to the extent hereinafter provided in Section 17672.1.

SEC. 3. Section 17672.1 is added to the Revenue and Taxation Code, to read:

17672.1. If the taxpayer during the period specified in Section 17672.2, for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized Taxpayers' election after replacement

only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more taxable years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe. For the purposes of this section—

(a) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(b) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of Section 17748, the unadjusted basis of such property or stock would be its cost within the meaning of Article 5 of Chapter 6.

SEC. 4. Section 17672.2 is added to the Revenue and Taxation Code, to read:

Replacement period

17672.2. The period referred to in Section 17672.1 shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(a) One year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

(b) Subject to such terms and conditions as may be specified by the Franchise Tax Board, at the close of such later date as the Franchise Tax Board may designate upon application by the taxpayer. Such application shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe.

SEC. 5. Section 17672.3 is added to the Revenue and Taxation Code, to read:

Statutory period

17672.3. If a taxpayer has made the election provided in Section 17672.1, then (a) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain upon such conversion is realized, attributable to 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 Franchise Tax Board may by regulations prescribe) of the replacement of the converted property or of an intention not to replace, and (b) such deficiency may be assessed prior to the expiration of such four-year period notwithstanding the provisions of Section 18586 or the provisions of any other law or rule of law which would otherwise prevent such assessment.

SEC. 6. Section 17672.4 is added to the Revenue and Taxation Code, to read:

17672.4. If the election provided in Section 17672.1 is made by the taxpayer and such other property or such stock was purchased prior to the beginning of the last taxable year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be

assessed (notwithstanding the provisions of Section 18586 or the provisions of any other law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.

SEC. 7. Section 17748 of the Revenue and Taxation Code is amended to read:

Involuntary conversion

17748. If the property was acquired, after February 28, 1913, as the result of a compulsory or involuntary conversion described in Sections 17672 (a) and 17672 (b), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon the conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which the conversion was made. In the case of property purchased by the taxpayer which resulted, under the provisions of Section 17672 (c) to 17672.4, inclusive, in the nonrecognition of any part of the gain realized as the result of a compulsory or involuntary conversion, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this sentence shall be allocated to the purchased properties in proportion to their respective costs.

SEC. 8. Section 18586.5 is added to the Revenue and Taxation Code, to read:

Time of deficiency assessment

18586.5. In case of a deficiency described in Sections 17672.3 and 17672.4, such deficiency may be assessed at any time prior to the expiration of the time therein provided.

Tax levy

SEC. 9. 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.

Effective date of changes

SEC. 10. 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, 1952, 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.

CHAPTER 120

An act to add Section 17746.3 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 17746.3 is added to the Revenue and Taxation Code, to read:

Survivor's share in community property

17746.3. For the purposes of this section and Sections 17746 and 17746.5 the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any state, territory or possession of the United States or any foreign country shall be considered to be property "acquired by bequest, devise, or inheritance" from the decedent, if the death of the decedent is after the effective date of this section, and if at least one-half of the whole of the community interest in such property is includible in determining the value of the decedent's gross estate under Chapter 3 of the California Inheritance Tax Law.

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.

Effective date of changes

SEC. 3. 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, 1952, 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.

CHAPTER 121

An act to amend Sections 18434, 18470, 18472 and 18477 of, and to add Sections 17690.8 and 18586.4 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 17690.8 is added to the Revenue and Taxation Code, to read:

Armed forces Suspension of period

17690.8. The running of any period of time specified in Section 17690.1 or 17690.2 (other than the one year referred

to in Section 17690.2(f)) shall be suspended during any time that the taxpayer (or his spouse if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) serves on extended active duty with the Armed Forces of the United States after the date of the sale of the old residence and before January 1, 1955, except that any such period as so suspended shall not extend beyond the date four years after the date of the sale of the old residence. For the purpose of this paragraph, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SEC. 2. Section 18434 of the Revenue and Taxation Code is amended to read:

Time extension

18434. (a) In the case of a taxpayer who is serving as a member of the armed forces of the United States or any auxiliary branch thereof, or the Merchant Marine, beyond the boundaries of the continental United States, the Franchise Tax Board shall automatically grant, without application being made therefor, an extension of time, free from interest and penalties, for filing the return, for payment of the tax, for taking any of the steps required by Sections 18590, 18593, 19053, 19057 and 19058 of the Revenue and Taxation Code, until 180 days after his discharge or release from active service therein or until 180 days after the termination of the present emergency, as declared by the President of the United States by Executive Order Number 2914, dated December 19, 1950, whichever first occurs.

"Continental United States"

(b) "Continental United States," as used in subsection (a), means the 48 states of the United States and the District of Columbia.

SEC. 3. Section 18470 of the Revenue and Taxation Code is hereby amended to read:

Outside Americas

18470. If an individual is continuously outside the Americas after December 18, 1950, for longer than 90 days, that period of time and the next 90 days thereafter shall be disregarded in determining under this part the amount of any credit or refund (including interest) or in respect of any liability for taxes, interests or penalties of that individual whether any of the following acts were performed within the time prescribed:

(a) Filing any return of income tax (except income tax withheld at source);

(b) Payment of any income (except income tax withheld at source);

(c) Filing an appeal with the State Board of Equalization;

(d) Allowance of a credit or refund of any tax;

(e) Filing a claim for credit or refund of any tax;

(f) Bringing a suit upon any such claim for credit or refund;

(g) Assessment of any tax;

(h) Giving or making any notice or demand, for the payment of any tax, or with respect to any liability in respect of any tax;

(i) Collection, by the Franchise Tax Board or the collector, by distraint or otherwise, of the amount of any liability in respect of any tax;

(j) Bringing suit by the State of California, or any officer on its behalf, in respect of any liability in respect of any tax; and

(k) Any other act required or permitted under this part.

SEC. 4. Section 18472 of the Revenue and Taxation Code is amended to read:

Same Dates

18472. The period of time disregarded under this article shall not extend beyond whichever of the following dates is the earlier:

(1) December 31, 1949, or such date later than December 31, 1949, as the Franchise Tax Board may fix in any case in which it makes a determination under Section 18471 if such determination is made after the date of this section as amended takes effect and is based on the existence prior to January 1, 1955, of one or more of the circumstances specified in Section 18471; or

(2) In the case of an individual with respect to whom a period of time is disregarded under this article, the fifteenth day of the third month following the month in which an executor, administrator, or a conservator of the estate of the individual qualifies.

SEC. 5. Section 18477 of the Revenue and Taxation Code is amended to read:

Limitation

18477. This article shall not operate to extend the time for performing any act specified in Section 18470(g), (h), (i) or (j) if such time under the law in force prior to the effective date of the 1953 amendment of this section expired prior to that date.

SEC. 6. Section 18586.4 of the Revenue and Taxation Code is added, to read:

Deficiency assessment

18586.4. In the case of a deficiency described in Section 17690.7, such deficiency may be assessed at any time prior to the expiration of the time therein provided.

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.

Effective date of changes

SEC. 8. 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, 1952, 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.

CHAPTER 122

An act to amend Sections 17732 and 17733 of, and to add Sections 17719.1 and 17728 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

In effect immediately

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

SECTION 1. Section 17719.1 is added to the Revenue and Taxation Code, to read:

17719.1. Gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to Section 124A of the Internal Revenue Code (relating to amortization deduction), shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 17721.

Gain from property sale or exchange

SEC. 2. Section 17728 is added to the Revenue and Taxation Code, to read:

17728. (a) In the case of a sale or exchange, directly or indirectly, of property described in subsection (b)—

(1) Between a husband and wife; or

(2) Between an individual and a corporation more than 80 percent in value of the outstanding stock of which is owned by such individual, his spouse, and his minor children and minor grandchildren;

any gain recognized to the transferor from the sale or exchange of such property shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 17721 to 17727, inclusive.

(b) This section shall apply only in the case of a sale or exchange of property by a transferor which in the hands of the transferee is property of a character which is subject to the allowance for depreciation provided in Section 17313.

SEC. 3. Section 17732 of the Revenue and Taxation Code is amended to read:

17732. (a) For the purposes of this article, the term "collapsible corporation" means a corporation formed or availed of principally for the manufacture, construction, or production of property, for the purchase of property which (in the hands of the corporation) is property described in Section 17711(a), or for the holding of stock in a corporation so formed or availed of, with a view to—

"Collapsible corporation"

(1) The sale or exchange of stock by its shareholders (whether in liquidation or otherwise), or a distribution to its shareholders, prior to the realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the net income to be derived from such property, and

(2) The realization by such shareholders of gain attributable to such property.

(b) For the purposes of subsection (a), a corporation shall be deemed to have manufactured, constructed, produced, or purchased property, if—

(1) It engaged in the manufacture, construction, or production of such property to any extent,

(2) It holds property having a basis determined, in whole or in part, by reference to the cost of such property in the hands of a person who manufactured, constructed, produced, or purchased the property, or

(3) It holds property having a basis determined, in whole or in part, by reference to the cost of property manufactured, constructed, produced, or purchased by the corporation.

SEC. 4. Section 17733 of the Revenue and Taxation Code is amended to read:

Gain on stock

17733. In the case of gain realized by a shareholder upon his stock in a collapsible corporation—

(a) This article shall not apply unless, at any time after the commencement of the manufacture, construction, or production of the property, or at the time of the purchase of the property described in Section 17711(a), or at any time thereafter, such shareholder (1) owned (or was considered as owning) more than 10 percent in value of the outstanding stock of the corporation, or (2) owned stock which was considered as owned at such time by another shareholder who then owned (or was considered as owning) more than 10 percent in value of the outstanding stock of the corporation;

(b) This article shall not apply to the gain recognized during a taxable year unless more than 70 percent of such gain is attributable to the property so manufactured, constructed, produced, or purchased; and

(c) This article shall not apply to gain realized after the expiration of three years following the completion of such manufacture, construction, production, or purchase

For the purposes of subsection (a), the ownership of stock shall be determined in accordance with the rules prescribed by Section 17353, except that, in addition to the persons prescribed by subsection (d) of that section, the family of an individual shall include the spouses of that individual's brothers and sisters (whether by the whole or half blood) and the spouses of that individual's lineal descendants.

Tax levy

SEC. 5. 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.

Effective date of changes

SEC. 6. 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, 1952, 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.

CHAPTER 123

An act to amend Sections 17813, 18132.12, 18163, and 18402 of, and to add Section 18402.5 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect immediately

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

SECTION 1. Section 17813 of the Revenue and Taxation Code is amended to read:

17813. In the case of mines (except mines in respect of which percentage depletion is allowable under Section 17817) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within 30 days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. Mine depletion

SEC. 2. Section 18132.12 of the Revenue and Taxation Code is amended to read:

18132.12. Every trust claiming a charitable, religious, scientific, literary, or educational deduction under Section 18132 for the taxable year shall furnish information with respect to such taxable year, at such time and in such manner as the Franchise Tax Board may by regulations prescribe, setting forth— Trust deductions

(a) The amount of the charitable, religious, scientific, literary, or educational deduction taken under Section 18132 within such year (showing separately the amount of such deduction which was paid out and the amount which was permanently set aside for charitable, religious, scientific, literary, or educational purposes during such year),

(b) The amount paid out within such year which represents amounts for which charitable, religious, scientific, literary, or educational deductions under Section 18132 have been taken in prior years,

(c) The amount for which charitable, religious, scientific, literary, or educational deductions have been taken in prior years but which has not been paid out at the beginning of such year,

(d) The amount paid out of principal in the current and prior years for charitable, religious, scientific, literary, or educational purposes,

(e) The total income of the trust within such year and the expenses attributable thereto, and

(f) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

This section shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries.

SEC. 3. Section 18163 of the Revenue and Taxation Code is amended to read:

Trust distributee

18163. The amount actually distributed or made available to any distributee by any such trust shall be taxable to him, in the year in which so distributed or made available, under Article 2 of Chapter 3 as if it were an annuity the consideration for which is the amount contributed by the employee, except that if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's separation from the service, the amount of such distribution to the extent exceeding the amounts contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than two years, but not more than five years. Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations which shall be prescribed by the Franchise Tax Board. For purposes of this section, the term "securities" means only shares of stock and bonds of debentures issued by a corporation with interest coupons or in registered form, and the term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in Sections 17695 and 17696) of the employer corporation. In no event shall the amount actually distributed or made available to any distributee include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall also be determined in accordance with regulations which shall be prescribed by the Franchise Tax Board.

SEC. 4. Section 18402 of the Revenue and Taxation Code is amended to read:

Joint returns

18402. If a husband and wife have for the taxable year an aggregate net income of three thousand five hundred dollars ($3,500) or over, or an aggregate gross income of five thousand dollars ($5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income, as provided in Section 17053.7. No joint return shall be made if husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under Section 17558.

(c) In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (1) no return for the taxable year has been made by the decedent, (2) no executor or administrator has been appointed, and (3) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

SEC. 5. Section 18402.5 is added to the Revenue and Taxation Code, to read:

Husband-wife status

18402.5. For the purposes of this article the status as husband and wife of two individuals having taxable years beginning on the same day shall be determined—

(a) If both have the same taxable year—as of the close of such year; and

(b) If one dies before the close of the taxable year of the other—as of the time of such death.

Tax levy

SEC. 6. 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.

Effective date of changes

SEC. 7. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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.

CHAPTER 124

An act to add Sections 23733a and 23734a to the Revenue and Taxation Code, relating to taxation of banks, corporations, associations and Massachusetts or business trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 23733a is added to the Revenue and Taxation Code, to read:

Partnerships of organizations

23733a. In the case of an organization described in Section 23772 (b) which is a member of a partnership of all whose members are organizations described in Section 23772 (b), if a trade or business regularly carried on by such partnership is an unrelated trade or business with respect to such organization, such organization shall, for taxable years beginning before January 1, 1955, be allowed a deduction in an amount equal to the portion of the gross income of such partnership from such unrelated trade or business which such organization is required (by a provision of a written contract executed by such organization prior to January 1, 1951, which provision expressly deals with the disposition of the gross income of the partnership) to pay within the taxable year in discharge of indebtedness incurred by such organization in acquiring its share of such trade or business, or to irrevocably set aside within the taxable year for the discharge of such indebtedness (to the extent that such amount has been so paid or set aside) if (a) such partnership was formed prior to January 1, 1951, for the purpose of carrying on such trade or business, and (b) substantially all the assets used in carrying on such trade or business were acquired by it or by its members prior to such date. As used in the preceding sentence, the word "indebtedness" does not include indebtedness incurred after January 1, 1951.

SEC. 2. Section 23734a is added to the Revenue and Taxation Code, to read:

Publishing business

23734a. If a publishing business carried on by an organization during an income year beginning before January 1, 1954, is, without regard to this sentence, an unrelated trade or business, but before the beginning of the third succeeding income year the business is carried on by it (or by a successor who acquired such business in a liquidation which would constitute a tax-free exchange under Sections 25031f and 25031f 1) in such manner that the conduct thereof is substantially related to the exercise or performance by such organization (or such successor) of its educational or other purpose or function described in Section 23701d, such publishing business shall not be considered, for the income year, as an unrelated trade or business.

Tax levy

SEC. 3. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the pro-

visions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 4. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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. Effective date of changes

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CHAPTER 125

An act to add Section 24121f.1 to the Revenue and Taxation Code, relating to taxation of banks, corporations, associations and Massachusetts or business trusts, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect immediately

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

SECTION 1. Section 24121f.1 is added to the Revenue and Taxation Code, to read:

24121f.1. Section 24121f shall not apply in the case of a taxpayer, other than a bank, as defined in Section 104, of the Internal Revenue Code, with respect to debts owed by (a) any political party, (b) any national, state or local committee of any political party, or (c) any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of presidential or vice presidential electors or of any individual whose name is presented for election to any federal, state, or local elective public office, whether or not such individual is elected For the purpose of this paragraph, the terms "contributions" and "expenditure" shall have the meanings prescribed for such terms in Section 591 of Title 18 of the United States Code. Political groups

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 Tax levy

SEC. 3. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in Effective date of changes

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.

CHAPTER 126

An act to amend Section 24181 of the Revenue and Taxation Code, relating to taxation of banks, corporations, associations and Massachusetts or business trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 24181 of the Revenue and Taxation Code is amended to read:

Federal contract renegotiations

24181. In the case of a contract with the United States or any agency thereof, or any subcontract thereunder, which is made by the taxpayer, if a renegotiation is made in respect of such contract or subcontract and an amount of excessive profits received or accrued under such contract or subcontract for an income year (hereinafter referred to as "prior income year") is eliminated and, in an income year ending after December 31, 1941, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of profits eliminated or the amount of profits eliminated is applied as an offset against other amounts due the taxpayer, then the profits so eliminated shall be excluded from gross income for the prior income year if they were included in gross income for the prior income year. For the purposes of this article—

Definitions

(a) The term "renegotiation" includes any transaction which is a renegotiation within the meaning of the federal renegotiation act applicable to such transaction, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

(b) The term "excessive profits" includes any amount which constitutes excessive profits within the meaning assigned to such term by the applicable federal renegotiation act, any part of the contract price of a contract with the United States or any agency thereof, any part of the subcontract price of a subcontract under such a contract, and any profits derived from one or more such contracts or subcontracts.

(c) The term "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to such term by the applicable federal renegotiation act.

(d) The term "federal renegotiation act" includes Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, Seventy-seventh Congress, Second Session), as amended or supplemented, the Renegotiation Act of 1948, as amended or supplemented, and the Renegotiation Act of 1951, as amended or supplemented

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.

Effective date of changes

SEC. 3. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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.

CHAPTER 127

An act to amend Section 25071g of, and to repeal Section 25035 of, and to add Sections 25035, 25035a, 25035b, 25035c and 25675 to, the Revenue and Taxation Code, relating to taxation of banks, corporations, associations and Massachusetts or business trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

Repeal

SECTION 1. Section 25035 of the Revenue and Taxation Code is hereby repealed.

SEC. 2. Section 25035 is added to the Revenue and Taxation Code, to read:

Involuntary conversion

25035. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(a) Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(b) Into money, and the disposition of the converted property occurred before January 1, 1953, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Franchise Tax Board, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not

so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more income years and regardless of whether or not the money which is not so expended constitutes gain). For the purposes of Sections 25035 to 25035c, inclusive, the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

SEC. 3. Section 25035a is added to the Revenue and Taxation Code, to read:

Same

25035a. If property is compulsorily or involuntarily converted into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in Section 25035 (b)) occurred after December 31, 1952, the gain (if any) shall be recognized except to the extent hereinafter provided in this section and Sections 25035b and 25035c.

(1) If the taxpayer during the period specified in subsection (2) of this section, for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more income years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe. For the purposes of this section and Sections 25035b and 25035c—

(A) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(B) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of Section 25071g, the unadjusted basis of such property or stock would be its cost within the meaning of Article 4 of Chapter 8.

(2) The period referred to in subsection (1) of this section shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(A) One year after the close of the first income year in which any part of the gain upon the conversion is realized, or

(B) Subject to such terms and conditions as may be specified by the Franchise Tax Board, at the close of such later date as the Franchise Tax Board may designate upon application by the taxpayer. Such application shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe.

SEC. 4. Section 25035b is added to the Revenue and Taxation Code, to read:

25035b. If a taxpayer has made the election provided in Section 25035a (1), then (A) the statutory period for the assessment of any deficiency, for any income year in which any part of the gain upon such conversion is realized, attributable to 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 Franchise Tax Board may by regulations prescribe) of the replacement of the converted property or of an intention not to replace, and (B) such deficiency may be assessed prior to the expiration of such four-year period notwithstanding the provisions of Section 25663 or the provisions of any other law or rule of law which would otherwise prevent such assessment. Statutory period

SEC. 5. Section 25035c is added to the Revenue and Taxation Code, to read:

25035c. If the election provided in Section 25035a (1) is made by the taxpayer and such other property or such stock was purchased prior to the beginning of the last income year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any income year ending before such last income year may be assessed (notwithstanding the provisions of Sections 25663 and 25663c, or the provisions of any other law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last income year may be assessed.

SEC. 6. Section 25071g of the Revenue and Taxation Code is amended to read:

25071g. If the property was acquired, after February 28, 1913, as the result of a compulsory or involuntary conversion described in Section 25035, the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made. In the case of property purchased by the taxpayer which resulted, under the provisions of Sections 25035a to 25035c, inclusive, in the nonrecognition of any part of the gain realized as the result of a compulsory or involuntary conversion, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this section shall be allocated to the purchased properties in proportion to their respective costs. Basis

SEC. 7. Section 25675 is added to the Revenue and Taxation Code, to read:

Time of deficiency assessment

25675. In the case of a deficiency described in Sections 25035b or 25035c, such deficiency may be assessed at any time prior to the expiration of the time therein provided.

Tax levy

SEC. 8 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.

Effective date of changes

SEC. 9. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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.

CHAPTER 128

An act to amend Sections 17053.5, 17319.5, 17951, 17952.1 and 17954 of, and to add Sections 17019.9 and 17019.10 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 17019.9 is added to the Revenue and Taxation Code, to read:

Head of household

17019.9. For the purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year and maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of any person who is a dependent of the taxpayer, if the taxpayer is entitled to an exemption for the taxable year for such person under Section 17952.1. An individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

SEC. 2. Section 17019.10 is added to the Revenue and Taxation Code, to read:

Definitions

17019.10. For the purposes of Section 17019.9—

(a) A legally adopted child of a person shall be considered a child of such person by blood;

(b) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

(c) A taxpayer shall be considered as married at the close of his taxable year if his spouse died during the taxable year.

SEC. 3. Section 17053.5 of the Revenue and Taxation Code is amended to read:

17053.5. (a) In lieu of the tax imposed under Section 17052 of this code, there shall be levied, collected and paid for each taxable year upon the net taxable income of each individual whose adjusted gross income for such year is less than five thousand dollars ($5,000) and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table: Tax schedule

		The tax shall be—		
If the adjusted gross income is over—	But not over—	Single person (not head of household)	Married person making separate return	(1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of household
$0	$1,900	$0	$0	$0
1,900	1,950	0	.60	0
1,950	2,000	0	1.07	0
2,000	2,050	0	1.54	0
2,050	2,100	0	2.01	0
2,100	2,150	0	2.48	0
2,150	2,200	.45	2.95	0
2,200	2,250	.92	3.42	0
2,250	2,300	1.39	3.89	0
2,300	2,350	1.86	4.36	0
2,350	2,400	2.33	4.83	0
2,400	2,450	2.80	5.30	0
2,450	2,500	3.27	5.77	0
2,500	2,550	3.74	6.24	0
2,550	2,600	4.21	6.71	0
2,600	2,650	4.68	7.18	0
2,650	2,700	5.15	7.65	0
2,700	2,750	5.62	8.12	0
2,750	2,800	6.09	8.59	0
2,800	2,850	6.56	9.06	0
2,850	2,900	7.03	9.53	0
2,900	2,950	7.50	10.00	0
2,950	3,000	7.97	10.47	0
3,000	3,050	8.44	10.94	0
3,050	3,100	8.91	11.41	0
3,100	3,150	9.38	11.88	0
3,150	3,200	9.85	12.35	0
3,200	3,250	10.32	12.82	0
3,250	3,300	10.79	13.29	0
3,300	3,350	11.26	13.76	0
3,350	3,400	11.73	14.23	0
3,400	3,450	12.20	14.70	0
3,450	3,500	12.67	15.17	0
3,500	3,550	13.14	15.64	0
3,550	3,600	13.61	16.11	0

If the adjusted gross income is over—	But not over—	The tax shall be— Single person (not head of household)	Married person making separate return	(1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of household
$3,600	$3,650	$14.08	$16.58	$0
3,650	3,700	14.55	17 05	0
3,700	3,750	15.02	17.52	0
3,750	3,800	15.49	17.99	.49
3,800	3,850	15.96	18.46	.96
3,850	3,900	16.43	18.93	1.43
3,900	3,950	16.90	19.40	1.90
3,950	4,000	17.37	19.87	2.37
4,000	4,050	17.84	20 34	2.84
4,050	4,100	18.31	20 81	3.31
4,100	4,150	18.78	21.28	3.78
4,150	4,200	19.25	21.75	4.25
4,200	4,250	19.72	22.22	4.72
4,250	4,300	20.19	22.69	5.19
4,300	4,350	20.66	23.16	5.66
4,350	4,400	21 13	23.63	6.13
4,400	4,450	21.60	24.10	6.60
4,450	4,500	22.07	24.57	7.07
4,500	4,550	22.54	25.04	7.54
4,550	4,600	23.01	25.51	8 01
4,600	4,650	23.48	25.98	8.48
4,650	4,700	23.95	26.45	8.95
4,700	4,750	24.42	26.92	9.42
4,750	4,800	24.89	27.39	9.89
4,800	4,850	25.36	27.86	10 36
4,850	4,900	25 83	28.33	10.83
4,900	4,950	26.30	28.80	11.30
4,950	4,999.99	26.77	29.27	11.77

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income four hundred dollars ($400) for each such dependent.

Definitions

(b) For the purpose of this section—

(1) "Married person" means a married person on the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17952.1.

(3) An individual not a head of a household or a married person shall be treated as a single person.

(4) "Head of household" means a head of household on the last day of the taxable year, unless such person dies during

the taxable year, in which case such determination shall be made as of the date of death.

(c) This section shall not apply to an estate or trust, an individual filing a return for a period of less than 12 months on account of a change in the accounting period, or to a married individual whose spouse files a return and computes the tax without regard to this section or Section 17325. Exceptions

SEC. 4. Section 17319.5 of the Revenue and Taxation Code is amended to read:

17319.5. An individual who files a separate return may deduct only those expenses as exceed 5 percent of the adjusted gross income of the taxpayer, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars ($2,500) in the case of the head of a household, and not in excess of one thousand two hundred fifty dollars ($1,250) in the case of all other individuals. Expense deductions

SEC. 5. Section 17951 of the Revenue and Taxation Code is amended to read:

17951. (a) There shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of two thousand dollars ($2,000), or, in the case of a head of a household or a married individual, a personal exemption of three thousand five hundred dollars ($3,500). A husband and wife shall receive but one personal exemption of three thousand five hundred dollars ($3,500). If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them. Exemptions

(b) (1) An additional exemption of five hundred dollars ($500) for the taxpayer if he is blind at the close of his taxable year; and

(2) An additional exemption of five hundred dollars ($500) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For the purposes of this clause the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

(3) For the purposes of this subparagraph an individual is blind only if either: His central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 6. Section 17952.1 of the Revenue and Taxation Code is amended to read:

17952.1. As used in Section 17952 the term "dependent" means any of the following persons over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer: "Dependent"

(a) A son or daughter of the taxpayer, or a descendant of either,

(b) A stepson or stepdaughter of the taxpayer,

(c) A brother, sister, stepbrother, or stepsister of the taxpayer,

(d) The father or mother of the taxpayer or an ancestor of either,

(e) A stepfather or stepmother of the taxpayer,

(f) A son or daughter of a brother or sister of the taxpayer,

(g) A brother or sister of the father or mother of the taxpayer,

(h) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

As used in this section, the terms "brother" and "sister" include a brother or sister by the half blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such person by blood. The term "dependent" does not include any individual who is a citizen or subject of a foreign country unless such individual is a resident of the United States or of a country contiguous to the United States. A payment to a wife which is includible under Sections 17104 to 17107, inclusive, or Sections 18172.3 to 18172.7, inclusive, in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent. If the taxpayer would not occupy the status of head of a household except by reason of there being one or more dependents for whom he would be entitled to credit under this section, the credit shall be disallowed with respect to one of the dependents.

SEC. 7. Section 17954 of the Revenue and Taxation Code is amended to read:

Time of status determination

17954. For purposes of Sections 17319, 17951, 18401, 18402, and 18405, the determination of whether an individual is married or is the head of a household shall be made as of the last day of the taxable year, except if an individual or his spouse dies during the taxable year, such determination shall be made as of the date of death.

Tax levy

SEC. 8. 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.

Effective date of changes

SEC. 9. 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, 1952, 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.

CHAPTER 129

An act to add Section 18586.3 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect immediately

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

SECTION 1. Section 18586.3 is added to the Revenue and Taxation Code, to read:

18586.3. If a taxpayer is required to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or to file an amended return as required by Section 18451 and does report such change or files such return, any deficiency resulting from such adjustments may be assessed within six months from the date when such notice or amended return is filed with the Franchise Tax Board by the taxpayer, or within the period provided in Sections 18586 and 18586.1, whichever period expires the later. Reported correction and amended return

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. Tax levy

SEC. 3. 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, 1952, 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. Effective date of changes

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CHAPTER 130

An act to amend Section 18691.1 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect immediately

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

SECTION 1. Section 18691.1 of the Revenue and Taxation Code is amended to read:

18691.1. (a) When the correction of an erroneous inclusion or deduction of an item or items in the computation of income Erroneous inclusion, etc

of a trust, estate, parent or husband for any year results in an overpayment for such year by said trust, estate, parent or husband, and also results in a deficiency for the same year for a grantor of such trust or beneficiary of such estate or trust, or child of such parent, or spouse of such child, or the wife of said husband, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(b) When the correction of an erroneous inclusion or deduction of an item or items in the computation of income of a grantor of a trust, beneficiary of an estate or trust, a child, or spouse of such child, or a wife for any year results in an overpayment for such year by said grantor, beneficiary, child or wife, and also results in a deficiency for the same year for the grantor's or beneficiary's trust, the beneficiary's estate, the child's parent, or spouse of such child, or the wife's husband, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(c) Paragraphs (a) and (b) are not intended, nor shall they be construed as a limitation on the Franchise Tax Board's right to offset or recoup barred assessments against overpayments.

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

Effective date of changes

SEC. 3. 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, 1952, 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.

CHAPTER 131

An act to repeal Section 18692 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect immediately

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

SECTION 1. Section 18692 of the Revenue and Taxation Code is hereby repealed. Repeal

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. Tax levy

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CHAPTER 132

An act to amend Sections 18831 and 19111 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect immediately

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

SECTION 1. Section 18831 of the Revenue and Taxation Code is amended to read:

18831. The Franchise Tax Board may, within six years after the determination of liability for any tax, penalties, and interest, or any installment thereof, bring an action in a court of competent jurisdiction in the name of the people of the State of California to recover the amount of any taxes, penalties, and interest due and unpaid under this part. Action for tax

SEC. 2. Section 19111 of the Revenue and Taxation Code is amended to read:

19111. The Franchise Tax Board may recover any refund or credit or any portion thereof which is erroneously made or allowed, together with interest at the rate of 6 percent per annum from the date the refund was made or the credit allowed, in an action brought within two years after the refund or credit was made in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California. Refund, etc

SEC. 3. 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. 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 taxable years beginning after December 31, 1952, Effective date of changes

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.

CHAPTER 133

An act to add Section 19053.9 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 19053.9 is added to the Revenue and Taxation Code, to read:

Overpayment offset

19053.9. Notwithstanding any statute of limitations provided in this part, any overpayment due a taxpayer for any year which results from a transfer of items of income or deductions or both to or from another year for the same taxpayer, or for the same year for a related taxpayer described in Section 18691.1, shall be allowed as an offset in computing any deficiency in tax for any other year resulting from the transfer of such income or deductions or both, but no refund shall be allowed unless the overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

The offset provided herein, however, shall not be allowed after the expiration of seven years from the due date of the return on which the overpayment is determined.

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.

Effective date of changes

SEC. 3. 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, 1952, 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.

CHAPTER 134

An act to amend Sections 23038, 23039, 23186, 23251, 23854, 23854.1, 23881, 23911g, 24121a, 24121k.1, 24121k.5, 24121q, 24181b, 24181f, 25031f, 25031j, 25038, 25071, 25071q, 25101a, 25102, 25121a, 25122, 25201a, 25294a, 25295, 25902, 25961, 26080.3, 26163, 26253, and 26481, and to amend and renumber Section 25555a, and to renumber Sections 25031f-1 and 25071r-1, and to repeal Sections 25555 and 26481a of the Revenue and Taxation Code, relating to taxation of banks, associations, corporations, and Massachusetts or business trusts, and providing that this act takes effect immediately.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect immediately

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

SECTION 1. Section 23038 of the Revenue and Taxation Code is hereby amended to read:

23038. "Corporation" includes every corporation except: "Corporation"

(a) Banks.

(b) Corporations expressly exempt from the tax by this part or the Constitution of this State.

For the purposes of the tax imposed under Chapter 3, "corporation" also includes associations, other than banking associations, and Massachusetts or business trusts. For the purposes of this part, a Massachusetts or business trust includes every business organization consisting essentially of an arrangement whereby property is conveyed to one, or more than one, trustee for purposes other than the mere conservation of assets, collecting and disbursing of fixed or periodic income, or the securing of an obligation.

"Corporation" includes any "corporation" operated by any receiver, liquidator, referee, trustee or other officers or agents appointed by any court, or an assignee for the benefit of creditors.

SEC. 2. Section 23039 of the Revenue and Taxation Code is amended to read:

23039. "Bank" includes national banking associations "Bank" "Bank" includes any "bank" operated by any receiver, liquidator, referee, trustee or other officers or agents appointed by any court, or an assignee for the benefit of creditors.

SEC. 3. Section 23186 of the Revenue and Taxation Code is amended to read:

23186. The rate of tax on banks and financial corporations Rate of tax shall be a percentage equal to the percentage of the total amount of net income, allocable to this State, of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this State as franchise taxes according to or measured by such net income, and required to be paid to this State or its political subdivisions by such corporations as personal property

taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 8 percent. The percentage of the net income of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, required to be paid to this State or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less 4 percent thereof, bears to the total amount of net income of such corporations allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to this State or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

SEC. 4. Section 23251 of the Revenue and Taxation Code is amended to read:

"Reorganization"

23251. The term "reorganization" as used in this chapter means (a) a transfer by a bank or corporation of all or a substantial portion of its business or property to another bank or corporation if immediately after the transfer the transferor or its stockholders or both are in control of the bank or corporation to which the assets are transferred; or (b) a mere change in identity, form or place of organization however effected; or (c) a merger or consolidation; or (d) a distribution in liquidation by a bank or corporation of all or a substantial portion of its business or property to a bank or corporation stockholder, and the bank or corporation stockholder continues all or a substantial portion of the business of the liquidated bank or corporation. As used in this section the term "control" means the ownership of at least 80 percent of the voting stock and at least 80 percent of the total number of shares of all other classes of stock of the bank or corporation.

SEC. 5. Section 23854 of the Revenue and Taxation Code is amended to read:

Commodity Credit Corporation loans

23854. Amounts received as loans from the Commodity Credit Corporation shall, at the election of the taxpayer, be considered as income subject to tax under this part and shall be included in gross income for the income year in which received.

SEC. 6. Section 23854.1 of the Revenue and Taxation Code is amended to read:

Effect of election

23854.1. If the taxpayer exercises the election provided in Section 23854 for any income year beginning after December 31, 1950, then the method of computing income so adopted shall be adhered to with respect to all subsequent income years, unless with the approval of the Franchise Tax Board, a change to a different method is authorized.

SEC. 7. Section 23881 of the Revenue and Taxation Code is amended to read:

23881. In computing the tax imposed under this part, "gross income" does not include any of the items specified in this article Exclusions

SEC. 8. Section 23911g of the Revenue and Taxation Code is amended to read:

23911g The distribution heretofore or hereafter made to a distributee by or on behalf of a corporation of its shares or securities or shares or securities in another corporation shall not be considered a distribution of earnings or profits of any corporation: Distribution of shares or securities

(1) If no gain to such distributee from the receipt of such shares or securities was recognized under the provisions of the Federal Revenue Act of 1936 or prior federal revenue acts in effect at the time of the distribution, or

(2) If the distribution was not subject to tax in the hands of such distributee under the Federal Revenue Act of 1936 or prior federal revenue acts in effect at the time of the distribution because it did not constitute income to it within the meaning of the Sixteenth Amendment to the Constitution of the United States or because exempted to it under Section 115 (f) of the Federal Revenue Act of 1934, or a corresponding provision of a prior federal revenue act.

For the purposes of this article "shares or securities" includes rights to acquire shares or securities.

SEC. 9. Section 24121a of the Revenue and Taxation Code is amended to read:

24121a. (1) All the ordinary and necessary expenses paid or incurred during the income year in carrying on business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title or in which it has no equity. Ordinary and necessary expenses

(2) All the ordinary and necessary expenses paid or incurred during the income year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income.

(3) In the case of a taxpayer engaged in the business of farming, expenditures made for the purpose of soil and water conservation and the prevention of erosion of land used in farming shall be allowed as deductions under paragraph (1) For the purposes of this paragraph, the term "expenditures made for the purpose of soil and water conservation and the prevention of erosion" means expenditures for the treatment, moving, or cultivation of earth, including (but not limited to) leveling, grading and terracing, contour furrowing, the construction of diversion channels and drainage ditches, the control and protection of watercourses, outlets, and ponds, the planting and cultivation of cover and protective crops or windbreaks, the control of weeds and brush and other special or emergency cultivation and tillage; but such term does not include the

purchase, construction, installation, or improvement of structures, appliances, and facilities made of masonry, concrete, tile, metal, or wood, such as tanks, reservoirs, pipes, conduits, canals, dams, wells, and pumps, which are subject to the allowance for depreciation provided in Section 24121g. For the purpose of this paragraph, the term "land used in farming" means land used (prior to the expenditure for conservation made by the taxpayer) by the taxpayer or its tenant or the predecessor owner or its tenant for the production of crops, fruits, and similar agricultural products or for the sustenance of livestock.

(4) No deduction shall be allowable under paragraphs (1), (2) or (3) of this section, to a taxpayer for any contribution or gift which would be allowable as a deduction under Section 24121k were it not for the 5 percent limitation therein contained and for the requirement therein that payment must be made within the income year.

SEC. 10. Section 24121k.1 of the Revenue and Taxation Code is amended to read:

Accrual basis: Year gift taken

24121k.1. In the case of a bank or corporation reporting its net income on the accrual basis, at the election of the taxpayer any contribution or gift, payment of which is made after the close of the income year and on or before the fifteenth day of the third month following the close of such year shall, for the purposes of Section 24121k, be considered as paid during such income year if, during such year, the board of directors authorized such contribution or gift. Such election shall be made only at the time of the filing of the return for the income year and shall be signified in such manner as the Franchise Tax Board shall by regulations prescribe.

SEC. 11. Section 24121k.5 of the Revenue and Taxation Code is amended to read:

Deductibility of gifts

24121k.5. No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction, shall be allowed as a deduction if made to an organization which, in the income year of the organization in which the gift or bequest is made, is not exempt under Section 23701d by reason of the provisions of Article 2 of Chapter 4. With respect to any income year of the organization for which the organization is not exempt pursuant to the provisions of Section 23736.2 by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which income year is the same, or prior to the, income year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if it was a party to such prohibited transaction.

"Gift or bequest"

For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer

SEC. 12. Section 24121q of the Revenue and Taxation Code is amended to read:

24121q. Notwithstanding Article 5, Chapter 6, all expenditures (other than expenditures for the purchase of land or depreciable property or for the acquisition of circulation through the purchase of any part of the business of another publisher of a newspaper, magazine, or other periodical) to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical; except that the deduction shall not be allowed with respect to the portion of such expenditures as, under regulations prescribed by the Franchise Tax Board, is chargeable to capital account if the taxpayer elects, in accordance with such regulations, to treat such portion as so chargeable. Such election, if made, must be for the total amount of such portion of the expenditures which is so chargeable to capital account, and shall be binding for all subsequent income years unless, upon application by the taxpayer, the Franchise Tax Board permits a revocation of such election subject to such conditions as it deems necessary. Circulation expenditures

SEC. 13. Section 24181b of the Revenue and Taxation Code is amended to read:

24181b. The amount of the payment, repayment, or offset described in Section 24181 or Section 24181a shall not constitute a deduction for the year in which paid or incurred. Offset, etc., nondeductible

SEC. 14. Section 24181f of the Revenue and Taxation Code is amended to read:

24181f. In any case in which a claim in abatement is filed pursuant to Section 24181e and the Franchise Tax Board makes such abatement, the tax disclosed by the original return shall, for the purpose of Article 1 of Chapter 11, be deemed to be reduced by the amount of the tax so abated. Tax abatement: Effect

SEC. 15. Section 25031f of the Revenue and Taxation Code is amended to read:

25031f. No gain or loss shall be recognized upon the receipt by a corporation of property distributed in complete liquidation of another corporation. For the purposes of this section a distribution shall be considered to be in complete liquidation only if: Distribution on complete liquidation

(1) The corporation receiving such property was, on the date of the adoption of the plan of liquidation, and has continued to be at all times until the receipt of the property, the owner of stock (in such other corporation) possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and the owner of at least 80 percent of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), and was at no time on or after the date of the adoption of the plan of liquidation and until the receipt of the property the owner of a greater percentage of any class of stock than the percentage of such class owned at the time of the receipt of the property; and

(2) No distribution under the liquidation was made before the first day of the first taxable year of the corporation beginning after December 31, 1935; and either

(3) The distribution is by such other corporation in complete cancellation or redemption of all its stock, and the transfer of all the property occurs within the income year; in such case the adoption by the shareholders of the resolution under which is authorized the distribution of all the assets of such corporation in complete cancellation or redemption of all its stock, shall be considered an adoption of a plan of liquidation, even though no time for the completion of the transfer of the property is specified in such resolution; or

(4) Such distribution is one of a series of distributions by such other corporation in complete cancellation or redemption of all its stock in accordance with a plan of liquidation under which the transfer of all the property under the liquidation is to be completed within three years from the close of the income year during which is made the first of the series of distributions under the plan, except that if such transfer is not completed within such period, or if the taxpayer does not continue qualified under paragraph (1) until the completion of such transfer, no distribution under the plan shall be considered a distribution in complete liquidation.

SEC. 16. Section 25031f-1 of the Revenue and Taxation Code is renumbered to read:

Bond or waiver where transfer not completed

25031f.1. If the transfer provided in Section 25031f of all the property does not occur within the income year, the Franchise Tax Board may require of the taxpayer such bond, or waiver of the statute of limitations on assessment and collection, or both, as it may deem necessary to insure, if the transfer of the property is not completed within such three-year period, or if the taxpayer does not continue qualified under paragraph (1) of Section 25031f until the completion of such transfer, the assessment and collection of all taxes imposed by this part then due or to become due, to the extent attributable to property so received. A distribution otherwise constituting a distribution in complete liquidation within the meaning of Section 25031f shall not be considered as not constituting such a distribution merely because it does not constitute a distribution or liquidation within the meaning of the corporate law under which the distribution is made; and for the purposes of Section 25031f a transfer of property of such other corporation to the taxpayer shall not be considered as not constituting a distribution (or one of a series of distributions) in complete cancellation or redemption of all the stock of such other corporation, merely because the carrying out of the plan involves (a) the transfer under the plan to the taxpayer by such other corporation of property, not attributable to shares owned by the taxpayer, upon an exchange described in Section 25031d, and (b) the complete cancellation or redemption under the plan, as a result of exchanges described in Section 25031c, of the shares not owned by the taxpayer.

SEC. 17. Section 25031j of the Revenue and Taxation Code is amended to read:

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

(i) The liquidation is made in pursuance of a plan of liquidation adopted after December 31, 1950, whether the income 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 percent or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan. "Excluded corporation"

(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 percent 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. "Qualified electing shareholder"

(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. 18. Section 25038 of the Revenue and Taxation Code is amended to read:

Exchanges involving foreign corporations

25038. In determining the extent to which gain shall be recognized in the case of any of the exchanges (made after January 1, 1928, for the purpose of the tax imposed under Chapter 2, or January 1, 1937, for the purpose of the tax imposed under Chapter 3) described in Sections 25031c to 25031f.1, inclusive, or described in so much of Section 25032 as refers to Section 25031c or 25031e, or described in Section 25033, a corporation created or organized in a foreign country shall not be considered as a corporation unless, prior to such exchange, it has been established to the satisfaction of the Franchise Tax Board that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of income taxes or franchise taxes imposed by this State.

SEC. 19. Section 25071 of the Revenue and Taxation Code is amended to read:

Basis of property

25071. The basis of property shall be the cost of such property except as otherwise provided in this article.

SEC. 20. Section 25071q of the Revenue and Taxation Code is amended to read:

25071q. If the property was acquired by a corporation upon a transfer to which Section 25031i, or so much of Sections 25033 or 25034 as relate to Section 25031i, is applicable, the basis in the hands of the acquiring corporation shall be the same as it would be in the hands of the corporation whose property was so acquired, increased in the amount of gain recognized to the corporation whose property was so acquired under the law applicable to the year in which the acquisition occurred, and such basis shall not be adjusted under Section 25101c by reason of a discharge of indebtedness pursuant to the plan of reorganization under which such transfer was made.

SEC. 21. Section 25071r-1 of the Revenue and Taxation Code is renumbered to read:

Property acquired after February 28, 1913, etc

25071r-1. If the property was acquired by a taxpayer subject to the tax imposed by Chapter 3, after February 28, 1913, in any taxable year beginning prior to January 1, 1936, and the basis thereof, for the purposes of the Federal Revenue Act of 1934 was prescribed by Section 113 (a) (6), (7), or (8) of such act, then for the purposes of this part the basis shall be the same as the basis therein prescribed in the Federal Revenue Act of 1934.

SEC. 22. Section 25101a of the Revenue and Taxation Code is amended to read:

Adjustments

25101a. Proper adjustment in respect of the property shall in all cases be made—

(1) For expenditures, receipts, losses, or other items properly chargeable to capital account, but no such adjustment shall be made for taxes or other carrying charges or for expenditures described in Section 24121a (3) and Section 24121q for which deductions have been taken by the taxpayer in determining net income for the income year or prior income years; Expenditures, receipts, etc., chargeable to capital account

(2) For exhaustion, wear and tear, obsolescence, amortization, and depletion: Exhaustion, etc.

(A) In the case of taxpayers subject to the tax imposed by Chapter 2, to the extent sustained prior to January 1, 1928, and to the extent allowed (but not less than the amount allowable) under this part, except that no deduction shall be made for amounts in excess of the amount which would have been allowable had depreciation not been computed on the basis of January 1, 1928, value and amounts in excess of the adjustments required by Section 113 (b) (1) (B) of the Federal Revenue Act of 1938 for depletion prior to January 1, 1932.

(B) In the case of a taxpayer subject to the tax imposed by Chapter 3, to the extent sustained prior to January 1, 1937, and for periods thereafter to the extent allowed (but not less than the amount allowable) under the provisions of this part.

(C) If a taxpayer has not claimed an amortization deduction for an emergency facility, the adjustment under paragraph (A) shall be made only to the extent ordinarily provided under Sections 24121g, 24121h and 24121i.

(3) In the case of stock (to the extent not provided for in the foregoing subsections) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation, which was classified as a personal service corporation under the provisions of the Federal Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of Section 218 of the Federal Revenue Act of 1918 or 1921). Tax-free distributions, etc.

(4) (A) In the case of taxpayers subject to the tax imposed by Chapter 2, in the case of any bond (as defined in Section 24121o (3)) to the extent of the deductions allowable pursuant to Section 24121o (1) (A) with respect thereto. Bonds, etc

(B) In the case of taxpayers subject to the tax imposed by Chapter 3, in the case of any bond (as defined in Section 24121o (3)) the interest on which is wholly exempt from the tax imposed by this part, to the extent of the amortizable bond premium disallowable as a deduction pursuant to Section 24121o (1) (A), and in the case of any other bond (as defined in such section) to the extent of the deductions allowable pursuant to Section 24121o (1) (A) with respect thereto.

SEC. 23. Section 25102 of the Revenue and Taxation Code is amended to read:

25102. Neither the basis nor the adjusted basis of any portion of real property shall, in the case of the lessor of such prop- Adjustment of lessor's basis

erty, be increased or diminished on account of income derived by the lessor in respect of such property and excludable from gross income under Section 23881c. If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by a lessee in respect of such property was included in gross income of the lessor for any income year beginning, in the case of a taxpayer subject to the tax imposed by Chapter 2, before January 1, 1942, or in the case of a taxpayer subject to the tax imposed by Chapter 3, before January 1, 1943, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income.

SEC. 24. Section 25121a of the Revenue and Taxation Code is amended to read:

Basis for mine depletion

25121a. In the case of mines (except mines in respect which percentage depletion is allowable under Section 25121c) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within 30 days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost The depletion allowance under Section 24121i based on discovery value provided in this section shall not exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance under Section 24121i be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit.

SEC. 25. Section 25122 of the Revenue and Taxation Code is amended to read:

Depreciation

25122. The basis of the allowance for depreciation prescribed in Section 24121g is the adjusted basis provided in Article 4, for the purpose of determining gain upon the sale or other disposition of the property.

SEC. 26. Section 25201a of the Revenue and Taxation Code is amended to read:

Noninterest-bearing obligations

25201a. In the case of a taxpayer owning non-interest-bearing obligations issued at a discount and redeemable for fixed amounts increasing at stated intervals, if the increase in the redemption price of the obligations occurring in the income year does not (under the method of accounting used in computing its net income) constitute income to taxpayer in such year, the taxpayer may, at its election made in its return for any income

year beginning after December 31, 1942, treat the increase as income received in the income year. If election is made with respect to such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first income year to which it applies and to all such obligations thereafter acquired by taxpayer and shall be binding for all subsequent income years, unless upon application by the taxpayer the Franchise Tax Board permits taxpayer, subject to such conditions as the Franchise Tax Board deems necessary, to change to a different method. In the case of any obligations owned by the taxpayer at the beginning of the first income year to which its election applies, the increase in the redemption price of the obligations occurring between the date of acquisition and the first day of the income year shall also be treated as income received in such income year.

SEC. 27. Section 25294a of the Revenue and Taxation Code is amended to read:

Installment obligation distributed in liquidation

25294a. If an installment obligation is distributed by one corporation to another corporation in the course of a liquidation, and under Sections 25031f and 25031f.1 no gain or loss with respect to the receipt of such obligation is recognized in the case of the recipient corporation, then no gain or loss with respect to the distribution of such obligation shall be recognized in the case of the distributing corporation.

SEC. 28. Section 25295 of the Revenue and Taxation Code is amended to read:

Dissolution, etc., before obligation paid

25295. (a) Where a taxpayer elects to report income from the sale or other disposition of property as provided in this article, and the entire income therefrom has not been reported prior to the year that the taxpayer ceases to be subject to the tax measured by net income imposed under Chapter 2 or Chapter 3 of this part, the unreported income shall be included in the measure of the tax for the last year in which the taxpayer is subject to the tax measured by net income imposed under Chapter 2 or Chapter 3 of this part. Abatement shall not be allowed under the provisions of Sections 23331 to 23333, inclusive, for any tax measured by such income excepting unreported profit from installment sales made during the income year preceding dissolution or withdrawal or cessation of business. This section shall not be applicable where the installment obligation is transferred pursuant to a reorganization as defined in Article 2 of Chapter 8 to another taxpayer a party to the reorganization subject to tax under the same chapter as the transferor. The determination of any deficiency resulting from this section shall be made under the provisions of Chapter 11, Article 1, but the period of limitation under that article, and the accrual of interest under Chapter 12, Article 1, shall commence on the date the taxpayer ceases to be subject to the tax imposed under Chapter 2 or Chapter 3 of this part,

"Cessation of business"

(b) "Cessation of business" as herein used means the failure to do business during an entire taxable year.

SEC. 29. Section 25555 of the Revenue and Taxation Code is hereby repealed.

SEC. 30. Section 25555a of the Revenue and Taxation Code is amended and renumbered to read:

Form of remittance

25555. In the case of taxpayers subject to the tax imposed by this part the tax, and any interest and penalties, imposed by this part, shall be paid to the Franchise Tax Board. Remittances may be in the form of a check, payable to the Franchise Tax Board, during such time and under such regulations as the Franchise Tax Board may prescribe. If a check is not paid by the bank on which it is drawn, the taxpayer by whom such check is tendered shall remain liable for the payment of the tax, and all interest and penalties, as if such check had not been tendered.

SEC. 31. Section 25902 of the Revenue and Taxation Code is amended to read:

Adjustment for correction of errors

25902. When the correction of an erroneous inclusion or deduction of an item in the computation of income of any year results in an overpayment for one year and a deficiency for another year, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded as provided in Chapter 13.

This section does not limit the Franchise Tax Board's right to offset or recoup barred assessments against overpayments.

SEC. 32. Section 25961 of the Revenue and Taxation Code is amended to read:

Penalty

25961. Any taxpayer failing or refusing to furnish any return required to be made under this part or failing or refusing to furnish an amended return or other data required by the Franchise Tax Board, shall be guilty of a misdemeanor and subject to a fine of not exceeding one thousand dollars ($1,000) for each offense.

SEC. 33. Section 26080.3 of the Revenue and Taxation Code is amended to read:

Interest on overpayments

26080.3. If a credit or refund of any part of an overpayment would be barred under Section 26073, except for the seven-year limitation in Section 26073b relating to bad debts, no interest shall be allowed or paid with respect to such part of the overpayment for any period beginning after the expiration of the period of limitation provided in Section 26073, other than the seven-year limitation in Section 26073b relating to bad debts, for filing claim for credit or refund of such part of the overpayment and ending at the expiration of six months after the date on which the claim was filed or, in case no claim was filed and the overpayment was found by the board, ending at the time the appeal was filed with the board.

SEC. 34. Section 26163 of the Revenue and Taxation Code is amended to read:

State preference

26163. The amounts required to be paid by any taxpayer under this part together with interest and penalties shall be satisfied first in any of the following cases:

(a) Whenever the taxpayer is insolvent.

(b) Whenever the taxpayer makes a voluntary assignment of his assets.

(c) Whenever the estate of the taxpayer in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent taxpayer required to pay any amount under this part are levied upon by process of law.

This section does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

SEC. 35. Section 26253 of the Revenue and Taxation Code is amended to read:

Action in foreign courts

26253. The Franchise Tax Board may bring an appropriate action in any court of competent jurisdiction in the United States or in a foreign country, in the name of the people of the State of California, to recover the amount of any taxes and interest due under this part. The Attorney General of this State, or the counsel for the Franchise Tax Board shall prosecute such action.

SEC. 36. Section 26481 of the Revenue and Taxation Code is amended to read:

Bank and Corporation Tax Fund

26481. All moneys received by the State Treasurer from the Franchise Tax Board and representing taxes or interest imposed on taxpayers subject to the tax imposed by this part shall be deposited by him in a special fund in the State Treasury, to be designated the Bank and Corporation Tax Fund, and moneys in said fund shall, upon the order of the Controller, be transferred into the General Fund of the State, or drawn therefrom for the purpose of refunding to taxpayers hereunder.

Repeal

SEC. 37. Section 26481a of the Revenue and Taxation Code is hereby repealed.

Tax levy

SEC. 38. 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.

Effective date of changes

SEC. 39. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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.

CHAPTER 135

An act to amend Sections 17055, 17508, 17513, 18132.7, 18173, 18215, 18648, 18689, 18884, 19053.3, 19056 and 19083, and to renumber Section 17788, of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 17055 of the Revenue and Taxation Code is amended to read:

"Artistic work or invention"

17055. As used in Section 17056, "artistic work or invention," in the case of an individual, means (a) a literary, musical, or artistic composition of that individual or, (b) a patent or copyright covering an invention of or a literary, musical, or artistic composition of that individual, or (c) the work on which by that individual covered a period of 36 calendar months or more from the beginning to the completion of such composition or invention.

SEC. 2. Section 17508 of the Revenue and Taxation Code is amended to read:

Involuntary liquidation

17508. The net income of the taxpayer otherwise determined for the year of involuntary liquidation shall be adjusted according to the provisions of Sections 17509 and 17510:

(a) If, for any taxable year beginning after December 31, 1942, and prior to the termination of the present war as proclaimed by the President of the United States, the closing inventory of a taxpayer inventorying goods under the method provided in this section reflects a decrease from the opening inventory of goods for this year; and

(b) If, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of this section apply and so notifies the Franchise Tax Board; and

(c) If, at the time of such election, it is established to the satisfaction of the Franchise Tax Board, in accordance with rules and regulations prescribed by the Franchise Tax Board, that such decrease is attributable to the involuntary liquidation of the inventory as defined in Section 17507; and

(d) If the closing inventory of a subsequent taxable year, ending not more than four years after the termination of the present war as proclaimed by the President of the United States, reflects a replacement, in whole or in part, of the goods so previously liquidated.

SEC. 3. Section 17513 of the Revenue and Taxation Code is amended to read:

Prevention of adjustment, by law

17513. If the adjustments specified in Section 17509 are, with respect to any taxable year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of

the replacement, or within four years from such date, by any provision or rule of law (other than this section), such adjustments shall nevertheless be made if, in respect to the taxable year for which the adjustment is sought, a notice of proposed additional assessment is mailed or a claim for refund is filed, as the case may be, within four years after the date of the filing of the income tax return for the year of replacement.

SEC. 4. Section 17788 of the Revenue and Taxation Code is renumbered to read:

17789. 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. Adjustment in case of nonrecognition

SEC. 5. Section 18132.7 of the Revenue and Taxation Code is amended to read:

18132.7. If the deduction of any trust under Section 18132 has been limited as provided in Sections 18132.5 and 18132.6, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under Section 18132, may, under regulations prescribed by the Franchise Tax Board, file claim for the allowance of the unlimited deduction under Section 18132, and if the Franchise Tax Board, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in Section 18132.5 shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed. Limitation on deductions

SEC. 6. Section 18173 of the Revenue and Taxation Code is amended to read:

18173. The term "in the discretion of the grantor," as used in Section 18172, means "in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question." "In the discretion of the grantor"

SEC. 7. Section 18215 of the Revenue and Taxation Code is amended to read:

18215. Every trust company operating a common trust fund shall make a return under penalties of perjury for each taxable year, stating specifically with respect to such fund the items of gross income and the deductions allowed by this article and shall include in the return information sufficient to identify the trusts and estates entitled to share in the net income of the common trust fund and the amount of the proportionate share of each such participant. Trust company return

SEC. 8. Section 18648 of the Revenue and Taxation Code is amended to read:

18648. (a) If any taxpayer fails to file a return, or files a false or fraudulent return with intent to evade the tax, for any taxable year, the Franchise Tax Board, at any time, may require a return or an amended return under penalties of Failure etc to file return

perjury or may make an estimate of the net income, from any available information, and may propose to assess the amount of tax, interest, and penalties due under this law. All the provisions of this part relative to delinquent taxes shall be applicable to the tax, interest, and penalties due under this law.

(b) When any assessment is proposed under the preceding paragraph, the taxpayer shall have the right to protest the same and to have an oral hearing thereon if requested, and also to appeal to the board from the Franchise Tax Board's action on the protest; the taxpayer must proceed in the manner and within the time prescribed by Sections 18590 to 18596, inclusive.

SEC. 9. Section 18689 of the Revenue and Taxation Code is amended to read:

Interest on unpaid deficiency etc

18689. Except in the case of a jeopardy assessment, collection of which has been stayed by the posting of a bond, where a deficiency, or any interest or penalty imposed in connection therewith under Sections 18681, 18684, 18685, and 18688, or any penalty in case of delinquency provided for in Sections 18681, 18682, and 18683, is not paid in full within 10 days from the date of notice and demand from the Franchise Tax Board, there shall be collected as a part of the tax, interest upon the unpaid amount at the rate of 6 percent per year from the date of the notice and demand until it is paid. If any part of the amount prorated to any unpaid installment is not paid in full on or before the date prescribed for the payment of the installment, there shall be collected as a part of the tax, interest upon the unpaid amount at the rate of 6 percent per year from the date prescribed for payment of the installment until the date the tax is paid.

SEC. 10. Section 18884 of the Revenue and Taxation Code is amended to read:

Release or subordination of lien

18884. The Franchise Tax Board may, at any time, release all or any portion of the property subject to any lien provided for in this part from the lien or subordinate the lien to other liens if it determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

SEC. 11. Section 19053.3 of the Revenue and Taxation Code is amended to read:

Period for claiming refund, etc

19053.3. The period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the Franchise Tax Board may make an assessment under the same circumstances, if:

(a) The taxpayer has, within the period prescribed in the preceding sentence, agreed in writing, under the provisions of Article 2 of Chapter 11, to extend the time within which the Franchise Tax Board may propose an additional assessment, or

(b) The taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension (or renewals

thereof) of the period for proposing and assessing deficiencies in federal income tax for any year.

SEC. 12. Section 19056 of the Revenue and Taxation Code is amended to read:

19056. If the Franchise Tax Board disallows any claim for refund, it shall notify the taxpayer accordingly. Notification of disallowance

SEC. 13. Section 19083 of the Revenue and Taxation Code is amended to read:

19083. The action provided by Section 19082 shall be filed within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, or within 90 days after (a) notice of action by the Franchise Tax Board upon any claim for refund, or (b) final notice of action by the State Board of Equalization on an appeal from the action of the Franchise Tax Board on a claim for refund, whichever period expires the later. Period for filing action

SEC. 14. 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. Tax levy

SEC. 15. 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, 1952, 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. Effective date of changes

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CHAPTER 136

An act to amend Section 628 of the Agricultural Code, relating to sterilized milk and sterilized cream.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 628 of the Agricultural Code is amended to read:

628. Sterilized milk and sterilized cream is milk or cream which has been subjected to a temperature high enough to sterilize the product and to which an edible stabilizer not to exceed five-tenths of 1 percent may be added. Sterilized milk and cream

It shall be made from milk or cream which meets all the requirements of this division for the respective class or grade of milk and cream used; except that such milk or cream need not be cooled when it has been demonstrated to the satisfaction of

the director that such cooling is not required for the proper processing of the product.

Such sterilized milk or sterilized cream shall be packed in sterile containers and hermetically sealed.

In an area in which a price stabilization and marketing plan is in effect such sterilized milk or sterilized cream shall be sold at no less than the minimum wholesale or minimum retail prices established for fluid milk or fluid cream in that area.

CHAPTER 137

An act to codify Chapter 1215 of the Statutes of 1941, relating to the protection of domestic water supplies from pollution by placer mining operations, by adding Chapter 6.5 to Division 2 of the Public Resources Code, and repealing Chapter 1215 of the Statutes of 1941.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Chapter 6.5 is added to Division 2 of the Public Resources Code, to read:

CHAPTER 6.5. PLACER MINING WATER POLLUTION

Exception

2551. This chapter does not apply to any placer mine operator who holds a permit to operate from the California Debris Commission.

Placer operators Verified statement

2552. Any person, firm, or corporation who engages in the operation of a placer mine on any stream or on the watershed of any stream tributary directly or indirectly to the Sacramento or San Joaquin rivers shall record a verified statement in the office of the county recorder of the county in which his mine is situated, within 30 days after the commencement of operations.

2553. The verified statement shall be verified by the operator or by some one in his behalf and shall contain the following information:

(a) A description of the ground proposed to be mined by placer mining methods, described by United States Government subdivisions where possible.

(b) The names and addresses of the owners of the ground

(c) The names and addresses of the operators of the mine.

(d) The proposed means or method of placer mining operation.

(e) The means which the operator proposes to use to prevent the pollution of any stream by the effluent from such operations.

Duty to notify

2554. Within 10 days after an owner or operator changes his address, or transfers the ownership or changes the operator

of any such mining property, a notice setting forth the names and addresses of the new owners or operators shall be filed in the office of the county recorder.

Precautions

2555. No placer mining operator shall mine by the placer process on any stream or on the watershed of any stream tributary directly or indirectly to the Sacramento or San Joaquin rivers without taking the following precautions to prevent pollution of the stream by the effluent from operations:

(a) Constructing a settling pond or ponds of sufficient size to permit the clarification of water used in the mining processes before the water is discharged into the stream

(b) Mixing with the effluent from mining operations aluminum sulphate and lime, or an equivalent clarifying substance which will cause the solid material in the effluent to coagulate and thus avoid rendering the water in the stream unfit for domestic water supply purposes.

Transportation of dredger

2556. Notwithstanding the provisions of subdivision (b) of Section 2555, any placer miner who is operating by dredging process and who desires to transport his dredger across a stream may conduct the dredger across the stream without constructing a settling pond, if he is of the opinion that the expense of constructing settling ponds in the stream would be unduly heavy.

Required procedure

Before transporting his dredger, the operator shall use the following procedure:

(a) He shall give a notice of his intent to cross a stream to the clerk or the secretary of each city or district owning or operating a domestic water supply the clarity of which is likely to be affected by the crossing operation.

(b) The notice shall be given at least seven days in advance of the date that he expects to cross the stream with his dredger.

(c) Upon the expiration of the notice the operator may during the following 48 hours conduct his dredger across the stream even though some turbidity may be caused by the crossing operation.

(d) After crossing the stream, the operator shall comply with the provisions of subdivision (b) of Section 2555.

Penalty

2557. Any person, firm, or corporation who violates this chapter is guilty of a misdemeanor.

Public nuisance

2558. The operation of any placer mine on ground not covered by a permit to the operator from the California Debris Commission, without compliance with the provisions of this chapter, is declared to be a public nuisance which may be enjoined upon suit brought by the district attorney of the county in which the operation has been conducted, or by any city or district whose domestic water supply is rendered unfit or dangerous for human consumption by the acts, or failure to act, of the operator. The superior court of the county in which the operation is conducted has jurisdiction to hear and determine the action and to award such relief as may be proper.

Construction

2559. Nothing in this chapter shall be construed to deprive the State, any city, county, district, person, firm, or corporation

of any right to maintain any action or proceeding, in any jurisdiction, which it was entitled to maintain prior to the enactment of this chapter, or to receive or obtain in any such action any remedy accorded to it under existing law.

Repeal

SEC. 2. Chapter 1215 of the Statutes of 1941 is repealed.

CHAPTER 138

An act to codify Chapter 641 of the Statutes of 1937 by repealing said chapter and adding Chapter 3 to Part 1 of Division 5 of the Water Code, relating to the transfer by counties and cities to flood control districts of storm drain improvements, drainage improvements and drainage systems.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Chapter 3 is added to Part 1 of Division 5 of the Water Code, to read:

CHAPTER 3. TRANSFER OF STORM DRAIN IMPROVEMENTS, DRAINAGE IMPROVEMENTS, AND DRAINAGE SYSTEMS TO FLOOD CONTROL DISTRICTS

Article 1. General Provisions

Definitions

8150. As used in this chapter, "drainage improvement" means any storm drain improvement, drainage improvement, or drainage system, authorized to be transferred pursuant to this chapter.

8151. As used in this chapter, "date of transfer" means (a) the date of the resolution of the governing body of a flood control district accepting any drainage improvement transferred to it by a county as provided in Article 2 of this chapter, and (b) the date of the resolution, order, or ordinance of the legislative body of any city transferring and conveying any drainage improvement to the flood control district pursuant to Article 3 of this chapter.

8152. As used in this chapter "city" includes city and county, and "county" does not include city and county.

Article 2. Transfers by Counties

Classification

8155. Drainage improvements authorized to be transferred and conveyed by this article are those which lie within the territorial limits of the flood control district to which they are conveyed, and are included in one or all of the following classes:

(a) Those which were constructed under the jurisdiction, control, or supervision of the board of supervisors of the county, and which are under the jurisdiction of the board.

(b) Those which were constructed by or for the county or any drainage district or flood control district in such county.

(c) Those constructed pursuant to the provisions of an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in communities in which they lie," approved March 21, 1903, as amended, and those which have been constructed pursuant to the provisions of the Drainage District Improvement Act of 1919, as amended, prior to January 1, 1937.

(d) Those within any city in such county whose legislative body has transferred and conveyed such drainage improvements to a flood control district, pursuant to Article 3 of this chapter.

Transfer of drainage improvements

8156. Any county within the limits of which there are drainage improvements within any of the classes mentioned in Section 8155 may, by a four-fifths vote of the members of the board of supervisors, transfer and convey all, but not less than all, of the drainage improvements in the county and within such classes to any flood control district in the county. The flood control district shall thereupon assume sole control and jurisdiction over such drainage improvements.

Duties, etc., of flood control district

8157. The flood control district to which such drainage improvements are transferred shall, upon acceptance of such transfer by four-fifths vote of the members of the governing body of the district, assume and provide for the operation, maintenance, and repair thereof, and thereupon be and become solely liable for the payment of the principal upon the bonds of any drainage improvement district, including bonds of districts secured by and payable out of a fund derived from specific or direct assessments which are a lien against particular parcels of land issued pursuant to the Drainage District Improvement Act of 1919, maturing subsequent to the date of such conveyance and transfer and for the payment of the interest upon the bonded debt of such drainage district represented by coupons maturing subsequent to the date of transfer.

Liabilities of lands

8158. From and after the date of transfer no tax shall be levied upon the lands within any such drainage district for the payment of the subsequently maturing principal and interest upon bonds of such district, except such levy as may be made by the flood control district. However, the lands within such drainage district or districts shall be and remain liable for the payment of all of the following:

(a) All previously maturing principal and interest.

(b) All levies of drainage district taxes theretofore levied.

(c) All installments of specific or direct assessments theretofore due or delinquent.

Application of taxes, etc.

The proceeds of the collection of such drainage district taxes and assessments shall be applied solely and exclusively to the payment of the principal and interest for which they were levied, and the surplus, if any, of the proceeds of such collections shall be deposited in the county treasury to the credit of the interest and sinking fund of the flood control district and used solely and exclusively for the payment of principal and interest of the bonds of the flood control district.

Article 3. Transfers by Cities

Transfer of drainage improvements

8160. Any city within the limits of which any drainage improvement has been constructed, and which drainage improvement also lies within the territorial limits of a flood control district, may, by four-fifths vote of the legislative body of the city, transfer and convey to the flood control district any drainage improvement; and, if drainage improvements have been conveyed to and accepted by a flood control district under the provisions of Article 2 of this chapter, such flood control district shall accept any drainage improvements conveyed to it by any city under this article.

Duties, etc., of flood control district

8161. Thereupon the flood control district shall assume and provide for the operation, maintenance, repair, and improvement of such drainage improvements.

8162. From and after the date of transfer such flood control district is solely liable for the payment of the principal upon the general obligation bonds of any such drainage improvement district and upon bonds of such district secured by and payable out of a fund derived from specific or direct assessments which are a lien upon particular parcels of land, issued pursuant to the Improvement Bond Act of 1915, and for the payment of interest upon the bonded debt of any such drainage district represented by coupons maturing subsequent to the date of transfer.

Liabilities of lands

8163. From and after the date of transfer no tax shall be levied upon the lands within any such drainage district for the payment of the subsequently maturing principal and interest upon the bonds of such district, except such levy as may be made by the flood control district. However, the lands within such drainage district or districts shall be and remain liable for the payment of all of the following:

(a) All previously maturing principal and interest.

(b) All levies of drainage district taxes theretofore levied.

(c) All installments of specific assessments securing such bonds which are payable or delinquent at the date of transfer.

Application of taxes, etc

8164. The proceeds of the collection of such drainage district taxes and assessments shall be applied solely and exclusively to the payment of the principal and interest for which they were levied and the surplus, if any, of the proceeds of such collections shall be deposited in the county treasury to the credit of the interest and sinking fund of such flood control district and used solely and exclusively for the payment of principal and interest of the bonds of such flood control district.

Article 4. Cancellation and Refund of Assessments

Cancellation and refund of assessments

8165. The legislative body of the county or city which conducted the proceedings for the organization of such drainage improvement districts may do all of the following:

(a) Order the cancellation of any special assessment district tax levied upon property within such special assessment districts subsequent to the date of transfer and any unpaid

installments of specific or direct assessments becoming due or delinquent subsequent to the date of transfer.

(b) Refund and adjust all payments made upon such installments becoming due or delinquent subsequent to the date of transfer.

(c) Cancel any and all installments of specific or direct assessments levied to retire bonds issued under the Improvement Bond Act of 1915, due or delinquent prior to the date of transfer in any case in which the principal and interest upon such bonds maturing prior to the date of transfer have been paid and the bonds so matured have been canceled and retired.

SEC. 2. Chapter 641 of the Statutes of 1937 is repealed. Repeal

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CHAPTER 139

An act to codify Chapter 1677 of the Statutes of 1951 by repealing said chapter and adding Chapter 4 to Division 1 of the Water Code, relating to the regulation and licensing of interferences or attempts to interfere by artificial means with the natural condensation of rain, snow, water or moisture in any form contained in the atmosphere.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect September 9, 1953

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

SECTION 1. Chapter 4 is added to Division 1 of the Water Code, to read:

CHAPTER 4. REGULATION OF RAIN-MAKING AND RAIN-PREVENTION

400. The public interest, health, safety, welfare, and necessity require that scientific experimentation in the field of artificial nucleation, and that scientific efforts to develop, increase, and regulate natural precipitation be encouraged, and that means be provided for the regulation and control of interference by artificial means with natural precipitation of rain, snow, moisture, or water in any form contained in the atmosphere, within the State, in order to develop, conserve, and protect the natural water resources of the State and to safeguard life and property. Legislative declaration

401. As used in this chapter: Definitions

(a) "Department" means the Department of Public Works acting through the State Engineer.

(b) "Person" means any person, firm, association, organization, partnership, company, corporation, private or public, county, city, city and county, district, or other public agency.

402. No person, without first securing a license from the department, shall cause or attempt to cause condensation or precipitation of rain, snow, moisture, or water in any form License required

contained in the atmosphere, or shall prevent or attempt to prevent by artificial means the natural condensation or precipitation of rain, snow, moisture, or water in any form contained in the atmosphere.

Application for license

403. Any person desiring to do any of the acts specified in Section 402 may file with the department an application in writing for a license. Each application shall be accompanied by a filing fee fixed by the department with the approval of the Department of Finance but not to exceed fifty dollars ($50) and shall be on a form to be supplied for such purpose by the department.

404. Every application shall set forth all of the following:

(a) The name and post-office address of the applicant.

(b) The previous education, experience, and qualifications of the applicant, or, if the applicant is other than an individual, the previous education, experience, and qualifications of the persons who will be in control of and charged with the operations of the applicant.

(c) A general description of the operations which the applicant intends to conduct and the method and type of equipment that the applicant proposes to use.

(d) Such other pertinent information as the department may require.

Issuance of license

405. Upon the filing of the application upon a form supplied by the department and containing the information prescribed by this chapter and accompanied by the required filing fee the department shall issue a license to the applicant entitling the applicant to conduct the operations described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

Renewal

406. A license may be renewed annually upon application to the department, accompanied by a renewal fee fixed by the department with the approval of the Department of Finance but not to exceed twenty-five dollars ($25), on or before the last day of January of the calendar year for which the license is renewed.

Notice of intention

407. Prior to undertaking any operation authorized by the license the licensee shall file with the department and cause to be published a notice of intention. The licensee shall then confine his activities for that operation substantially within the time and area limits set forth in the notice of intention.

408. The notice of intention shall set forth all of the following:

(a) The name and address of the licensee.

(b) The nature and object of the intended operation and the person or persons on whose behalf it is to be conducted.

(c) The area in which and the approximate time during which the operation will be conducted.

(d) The area which will be affected by the operation as near as the same may be determined in advance.

Publication of notice

409. The applicant shall cause the notice of intention to be published at least once a week for three consecutive weeks

in a newspaper having a general circulation and published within any county wherein the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then such notice shall be caused to be published in like manner in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county publication shall be made in a newspaper having a general circulation within the county.

410. Proof of publication shall be filed by the licensee with the department within 15 days from the date of the last publication of the notice. Proof of publication shall be by copy of the notice as published attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing the notice.

Record of operations

411. Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license showing the method employed, the type of equipment used, the times and places of operation of the equipment, the name and post-office address of each person participating or assisting in the operation other than the licensee, and such other information as may be required by the department, and shall report the same to the department immediately upon the completion of each operation.

Evaluation statement

412. Each licensee shall further prepare and maintain an evaluation statement for each operation which shall include a report as to estimated precipitation, defining the gain or loss occurring from nucleation activities, together with supporting data therefor. This statement, together with such other pertinent information as the department may require, shall be sent to the department upon request by the department.

Emergency nucleation project

413. Notwithstanding any provision of this chapter to the contrary, the department may grant a licensee permission to undertake an emergency nucleation project, without compliance by the licensee with the provisions of Sections 407 to 410, inclusive, if the same appears to the department to be necessary or desirable in aid of extinguishment of fires.

Revocation or suspension of license

414. Any license may be revoked or suspended if the department finds, after due notice to the licensee and a hearing thereon, that the licensee has failed or refused to comply with any of the provisions of this chapter. The proceedings herein referred to shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5, Part 1, Division 3, Title 2 of the Government Code and the department shall have all the powers granted therein.

Penalty

415. Any person who violates any provision of this chapter is guilty of a misdemeanor.

Repeal

SEC. 2. Chapter 1677 of the Statutes of 1951 is repealed.

CHAPTER 140

An act to codify Chapter 23 of the Statutes of 1949 by repealing said chapter and adding Chapter 3 to Division 1 of the Water Code, relating to water shortage emergencies.

In effect September 9, 1953

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Chapter 3 is added to Division 1 of the Water Code, to read:

CHAPTER 3. WATER SHORTAGE EMERGENCIES

Declaration of water shortage emergency

350. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

Public hearing exception

351. Excepting in event of a breakage or failure of a dam, pump, pipe line or conduit causing an immediate emergency, the declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to said governing board.

Notice

352. Notice of the time and place of hearing shall be published once at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

Adoption of regulations

353. When the governing body has so determined and declared the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

Priorities

354. After allocating and setting aside the amount of water which in the opinion of the governing body will be necessary to supply water needed for domestic use, sanitation, and fire protection, the regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes.

355. The regulations and restrictions shall thereafter be and remain in full force and effect during the period of the emergency and until the supply of water available for distribution within such area has been replenished or augmented.

356. The regulations and restrictions may include the right to deny applications for new or additional service connections, and provision for their enforcement by discontinuing service to consumers wilfully violating the regulations and restrictions.

Conflict of regulations with other laws

357. If the regulations and restrictions on delivery and consumption of water adopted pursuant to this chapter conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of the water supply available for distribution within such service area, the regulations and restrictions adopted pursuant to this chapter shall prevail over the provisions of such laws relating to water rights for the duration of the period of emergency; provided, however, that any distributor of water which is subject to regulation by the State Public Utilities Commission shall before making such regulations and restrictions effective secure the approval thereof by the Public Utilities Commission.

Review

358. Nothing in this chapter shall be construed to prohibit or prevent review by any court of competent jurisdiction of any finding or determination by a governing board of the existence of an emergency or of regulations or restrictions adopted by such board, pursuant to this chapter, on the ground that any such action is fraudulent, arbitrary, or capricious.

Repeal

SEC. 2. Chapter 23 of the Statutes of 1949 is repealed.

CHAPTER 141

An act to amend Sections 2 and 3 of an act entitled "An act relating to the application, acceptance and use of funds or assets of the California Rural Rehabilitation Corporation from the trustee thereof" (Chapter 414, Statutes 1949), as amended, relating to the acceptance and use of such trust asset funds, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

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

SECTION 1. Section 2 of the act cited in the title hereof is amended to read:

Disposition of trust assets

SEC. 2. Any such trust assets referred to in Section 1 of this act which may be transferred or returned to this State or to the duly designated agency or official thereof shall be deposited in the State Treasury to the credit of said California

Farm Debt Adjustment Commission or to the credit of the Department of Agriculture Fund, as the case may require.

In the event an agreement is entered into between the designated agency or official of this State and the Secretary of Agriculture pursuant to the provisions of Section 2 (f) of the Rural Rehabilitation Trust Liquidation Act as provided in Section 3 of this act, no physical transfer or deposit in the State Treasury of the trust assets shall be required.

Such funds or other assets shall be used by the aforesaid designated agency or official for the purpose of conducting rural rehabilitation work or for any purpose similar thereto or in accordance with Section 3 of this act. No liability shall accrue to the United States or to the Secretary of Agriculture thereof by virtue of any transfer made pursuant to Section 1 of this act.

SEC. 2. Section 3 of the act cited in the title hereof is amended to read:

Agreements

Sec. 3. The Director of Agriculture is hereby authorized to enter into agreements with the Secretary of Agriculture in order to make available for use in this State any trust assets held for the account of or received by the director under this act in accordance with and for the purposes set forth in Section 2 (f) of the "Rural Rehabilitation Corporation Trust Liquidation Act" (Public Law 499—Eighty-first Congress; Chapter 152—Second Session, approved May 3, 1950), which act also authorizes the Secretary of Agriculture to make agreements with the state official having jurisdiction of such trust assets as may be returned to the State in accordance with the provisions of said Public Law 499.

Any cash receipts arising from the operation of such agreements which are returnable to the Director of Agriculture or any cash receipts derived from assets physically transferred to the Director of Agriculture for the purpose of conducting rural rehabilitation work as provided in Section 2 of this act, shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund as hereinbefore provided and shall be available for any further use as authorized by this act.

Urgency

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

The operations contemplated under the provisions of the act herein amended are contingent upon the assignment of any trust assets from the trustee thereof and their acceptance by the proper state official for a continuing use in rural rehabilitation work Since the period within which such assets may be returned terminates on May 3, 1953, it is necessary that this act become effective immediately else such assets automatically become miscellaneous receipts in the Federal Treasury and are lost to any further use in this State.

CHAPTER 142

An act to amend Section 2005 of the Welfare and Institutions Code, to repeal Section 2183.9 of said code, and to add Section 2183.9 to said code, relating to aid to the aged.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

In effect September 9 1953

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

SECTION 1. Section 2005 of the Welfare and Institutions Code is amended to read:

Policy, etc

2005. The State Department of Social Welfare, through the Division of State Aid to the Aged, and the board of supervisors of every county shall follow the policy of giving the aid provided for in this chapter to every applicant in his own or in some other suitable home of his own choosing, in preference to placing him in an institution.

It is the intent of the Legislature that employment and self-maintenance of aged persons shall be encouraged whenever feasible. Participation shall be entirely voluntary on the part of the aged person and no pressure shall be exercised to obtain his participation. The State Department of Social Welfare shall take all steps necessary to effectuate this general purpose. No aged person shall be disqualified for assistance or otherwise penalized if he refuses to seek or accept employment.

Repeal

SEC. 2. Section 2183.9 of said code is repealed.

SEC. 3. Section 2183 9 is added to said code, to read:

Restoration of eligibility

2183.9. Notwithstanding any other provision of this article whenever a recipient becomes ineligible for aid due to income he derives from employment, an agent of the board of supervisors shall be authorized to grant aid without further order of the board whenever the income of such person does not exceed the amount allowed under this chapter if the person is otherwise eligible. Aid shall be paid from the first of the month following the date restoration is requested and shall be delivered to the recipient within 30 days of the date restoration is requested.

The provisions of this section shall not apply when aid has been discontinued for one year or more.

CHAPTER 143

An act to codify Chapter 1384 of the Statutes of 1945, relating to the relief of hardship and destitution, by adding Chapter 5, comprising Sections 2800 to 2904, inclusive, to Division 4 of the Welfare and Institutions Code, and repealing Chapter 1384 of the Statutes of 1945.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 5, comprising Sections 2800 to 2904, inclusive, is added to Division 4 of the Welfare and Institutions Code, to read:

CHAPTER 5. RELIEF LAW OF 1945

Article 1. General Provisions

Short title

2800. This chapter shall be known and may be cited as the Relief Law of 1945.

Suspension from operation

2801. The provisions of this chapter (except the provisions of this section) are suspended and continue suspended from operation until the occurrence of an economic emergency in this State which results from widespread hardship and destitution and necessitates immediate action for the relief of such hardship and destitution. No act shall be done nor power be exercised nor money be expended under or pursuant to such provisions until the occurrence of such an economic emergency has been determined as provided in this section.

Determination of economic emergency

Ascertainment and determination of the fact of the occurrence of such an economic emergency is committed to the Senate and Assembly and to the Governor. If and when the Senate and Assembly by concurrent resolution filed with the Secretary of State find and declare, and the Governor by his proclamation filed with the Secretary of State finds and declares, that there exists an economic emergency in this State which results from widespread hardship and destitution and necessitates immediate action for the relief of such hardship and destitution (the resolution and the proclamation, respectively, to contain a statement of the facts upon which the finding is based), such an economic emergency is determined to have occurred and to exist and thenceforth all of the provisions of this chapter are fully operative.

Effect

2802. After the provisions of this chapter become operative, the provisions of Chapter 2 of this division, relating to county aid and relief to indigents, shall not apply to any person who receives, or is eligible to receive, relief under this chapter; but the said Chapter 2 is not repealed by this chapter, and shall continue in full force and effect in respect to persons not eligible to receive relief under this chapter.

2803. As used in this chapter, the terms defined in this article have the meanings set forth in this article.

Definitions

2804. "Department" means the State Department of Social Welfare.

2805. "Aid" means state financial assistance to counties for the direct cost of relief and the cost of administration thereof.

2806. "Relief" means assistance in cash or in kind provided to individuals or families to relieve hardship and destitution.

Relief to a person includes relief to his dependents, but relief does not include hospital or medical care.

Provision for relief

2807. In accordance with the provisions of this chapter, every county shall provide relief to needy persons who are residents of this State.

Residence

2808. For the purposes of this chapter, a resident of the State is a person who comes within all of the following descriptions:

(a) Who has lived continuously in the State for a period of one year preceding his application for relief.

(b) Who, during the said one-year period, has not received any form of public assistance from any other state or political subdivision thereof.

(c) Who has not lost his residence by remaining away from this State for an uninterrupted period of one year. Absence from the State for labor or other special or temporary purpose does not occasion loss of residence.

2809. For the purposes of this chapter, a person who is a resident of the State is a resident of the county in which he has resided continuously for one year immediately preceding his application for relief.

Costs of transportation

2810. A county may incur all necessary expenses in transporting a nonresident applicant for or recipient of relief under this chapter to another state or county when information at hand reasonably tends to show that the person has a legal residence in that state or county. The State shall reimburse the county the full amount of the cost of such transportation.

Article 2. Administration

Administration

2820. The direct administration of this chapter shall be carried out by the boards of supervisors of the several counties, directly or through their authorized agents. The administration shall be supervised by the department.

Department Duties

2821. The department shall:

(a) Establish minimum and maximum standards for the amount and form of relief, on a budgetary basis, as provided in Sections 2822, 2823, and 2824.

(b) Establish standards of eligibility for relief, which shall be of uniform application throughout the State.

(c) Make investigations in relation to the administration of relief.

(d) Secure information and make reports thereon.

2822. The department shall from time to time fix for each county maximum and minimum relief case budgets within the range of which the board of supervisors may establish its own policies.

All budgets and standards shall be based upon need and minimum budgets shall be sufficient to maintain the recipient and his dependents in accordance with minimum living requirements as provided in Section 2823.

2823. In determining and redetermining budgets and standards the department may give consideration to living costs and may establish budgets and standards varying in monetary worth or amount but providing a standard of living compatible with decency and health.

2824. Relief may be granted in cash or in kind, but relief may be granted in kind only after the method has been approved by the department.

2825. All income received by a person or family, regardless of source, shall be considered in arriving at the amount of relief to be provided.

Administration of funds

2826. In administering any funds appropriated or made available to the department for disbursement through the counties for relief purposes, the department shall:

(a) Require as a condition for receiving such grants-in-aid that the county shall bear the proportion of the total expense of furnishing relief required to be paid by the county under Section 2901.

(b) Establish rules and regulations, not in conflict with law, defining and controlling the conditions under which state aid may be granted or refused.

(c) Terminate any grants-in-aid to any county if the laws providing such grants, or the minimum standards prescribed by the department, are not complied with by the county or its officers or employees.

Failure of county to comply with department rules, etc.

2827. If any county fails to comply with the provisions of this chapter or the rules and regulations or orders of the department for the administration of relief by the county under this chapter, the director of the department shall formally notify the county of the particular respects in which it fails to comply with the law or the rules and regulations of the department, and of the changes which are necessary to effect full compliance. The county shall be allowed a reasonable time to effect compliance; if it fails to do so within such reasonable time, it shall be ordered to appear before the State Social Welfare Board to show cause, if it has any, for its failure to comply with the law or the rules and regulations of the department.

If a county is charged by the director with failure to comply with the law or the rules and regulations of the department, the county may demand a public hearing before the board. If a hearing is demanded, the board shall hold it promptly.

If the board finds that a county has failed to comply with the law or the rules and regulations of the department and is unwilling or unable to make the changes necessary to effect full compliance, the board may withhold financial assistance for the direct and administrative costs of relief, or either, until the county complies.

Operation by State

2828. The department may operate the relief administration in any county after the denial of financial assistance to the county in accordance with the provisions of Section 2827, and the county proportion of the costs thereof shall be charged against the county and shall be a proper charge against the county. The department shall certify to the county auditor any amounts so charged against the county, the county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts so certified and due under the provisions of this section, and the county treasurer, at the time of the settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts due under the provisions of this section.

Article 3. Procedure

2840. Application for relief may be made to the county of which the applicant is a resident, or, in the case of an applicant who is a resident of the State but who is not a resident of any county, to the county in which the applicant is present. Application for relief

2841. The board of supervisors of every county as a board, or by committee or by such person as it may authorize, shall investigate every application for relief under this chapter, shall supervise by periodic visitation every person receiving such relief, shall devise ways and means for bringing persons unable to maintain themselves to self-support, and shall keep full and complete records of such investigation, supervision, relief, and rehabilitation as shall be prescribed by the State Department of Social Welfare. Investigation of application

Such records shall be confidential and shall not be open to examination or inspection except by the grand jury of the county or by a board or an officer of the State or the county charged with the supervision or direction of such relief or with the control of the expenditure of funds applicable to such relief.

Any citizen shall be entitled to demand and receive from the board, officer, committee, or person having custody of such records a statement of the amount, character, and value of the relief received by any person.

2842. Persons eligible for relief who are residents of the State and residents of the county in which they apply for relief shall be granted relief by the county of their residence, and the State shall pay to the county the State's share of the cost of the relief. Costs of relief

Persons eligible for relief who are residents of the State but who are not residents of any county shall be granted relief by the county in which they apply for relief, and the State shall pay to the county providing the relief the full cost of the relief provided until such persons have remained in a county for the period necessary to acquire residence in that county.

2843. In case of dispute between two or more counties as to the responsibility for any person or in case of dispute between a county and the department either may appeal to the State Social Welfare Board for a hearing. The decision of the State Social Welfare Board is final. Disputes County or state

2844. If any applicant or recipient is dissatisfied with the action of the board of supervisors, he shall upon filing a petition with the department have the right of appeal and shall be accorded an opportunity for a fair hearing. The department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of the hearing. At the hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel. Applicant's right of appeal

The State Social Welfare Board shall consider the appeal and shall dismiss the appeal or award relief as prescribed in this chapter. The county board of supervisors shall then pay

to such person the sum awarded, if any, by the State Social Welfare Board.

Article 4. Eligibility

Eligibility for relief

2860. Relief shall be provided only to persons who are in need, as determined by an investigation as prescribed by the department. Subject to the rules and regulations of the department, the county shall grant such emergency relief as may be necessary pending completion of investigation.

Requiring recipient to work for county

2861. As a condition to the grant or continuance of relief, the county may require the recipient to perform work provided by the county. Such work shall not be or replace work which otherwise would be undertaken through private or public employment. All persons performing such work shall be paid the prevailing wage scale for work of a similar character performed in the county.

No state funds shall be used for material or supplies or for nonrelief employment, on work programs.

Persons ineligible

2862. Persons who are eligible for aid to the aged under the Old Age Security Law, aid to the needy blind, or aid to needy children (including the caretaker of such needy children), are not eligible for relief under this chapter.

2863. No person shall be considered a needy person who has made any voluntary assignment or transfer of property for the purpose of qualifying for relief, and any transfer of property other than heirlooms made without adequate consideration in money or property within a period of one year prior to making application for relief shall be presumed to have been made for the purpose of qualifying for relief.

2864. No person is eligible for relief who, being physically capable thereof, refuses suitable employment. The department shall define "suitable employment," but no person shall be required to accept work where a labor dispute exists.

Article 5. Responsibility for Repayment

Recovery from person not entitled to relief

2880. Relief granted to any person who is not entitled thereto under the provisions of this chapter shall constitute a debt of the recipient, to the amount of such relief, to the State and the county participating in the granting of such relief. Recovery may be had upon such debt out of any property of the recipient not exempt from execution.

Any money refunded under the provisions of this section shall be repaid to the State and the county in the proportion that each contributed to the relief granted.

Financial responsibility of spouse, etc

2881. If the spouse, parent, or adult child of any recipient of relief is financially able to contribute to the support of the recipient, such relative is liable to reimburse the State and county for relief granted to the recipient to the extent of his financial ability so to do.

The board of supervisors of the county granting relief shall determine if the spouse, parent, or adult child has financial

ability to support or contribute to the support of the recipient and was pecuniarily able to support or contribute to the support of the recipient during the time relief was provided to him. If in the opinion of the board of supervisors pecuniary ability existed when the relief was granted and exists when the matter comes before the board of supervisors, the board shall request the district attorney or other civil legal officer of the county granting the relief to proceed against such responsible relative or relatives.

Upon such request the district attorney or other civil legal officer shall maintain an action on behalf of the county granting relief against the said relative or relatives to recover for the county the relief granted and to secure an order requiring the payment of any sums which may become due in the future.

All money collected by the county under the provisions of this section shall be credited to the State and the county in the proportion that each contributed to the relief granted.

Article 6. Payment of Relief Costs

Not an appropriation

2900. The provisions of this chapter providing for state payments to counties do not constitute appropriations of money from the State Treasury, and no provision of this chapter shall be construed to make an appropriation. No money shall be available for expenditure under this chapter until an appropriation for that purpose is made by the Legislature.

Any money appropriated to carry out the purposes of this chapter shall be deposited in, and disbursed from, the Relief Fund in the State Treasury, which fund is continued in existence.

State assistance

2901. (a) Until the rate of county expenditure for the direct and administrative costs of welfare activities under this chapter exceeds, on a fiscal year basis determined not less frequently than quarterly, eight one-hundredths of 1 percent (.08%) of the total assessed valuation of the property subject to county taxation, the State shall not participate in the expenditure.

(b) With respect to county funds expended at a rate exceeding eight one-hundredths of 1 percent (.08%) of the total assessed valuation of the property subject to county taxation, but not exceeding twelve one-hundredths of 1 percent (.12%) thereof, the State shall pay each county eighty percent (80%) of such expenditures.

(c) With respect to county funds expended at a rate exceeding twelve one-hundredths of 1 percent (.12%) of the total assessed valuation of the property subject to county taxation, but not exceeding sixteen one-hundredths of 1 percent (.16%) thereof, the State shall pay each county ninety percent (90%) of such expenditures.

(d) With respect to county funds expended at a rate exceeding sixteen one-hundredths of 1 percent (.16%) of the total assessed valuation of the property subject to county taxation,

the State shall pay each county ninety-five percent (95%) of such expenditures.

(e) The State shall pay to each county the full amount of the total costs of relief to persons who are residents of the State but who are not residents of any county.

Apportioning federal aid

2902. During such time as grants-in-aid are provided or made available by the United States Government for either direct costs or administrative costs of welfare activities under this chapter, or both, the State Treasurer shall transfer the sums so granted to the Relief Fund. Of such sums, there shall be credited to the State an amount which bears the same proportion to the total of the sums so granted that the total state expenditure under this chapter during the period for which the grants are made bears to the total of both state and county expenditures under this chapter during that period. The remainder of such sums shall be credited to the counties of the State, and the State Treasurer shall pay to each county therefrom an amount which bears the same proportion to the whole of such remainder that the county funds expended by that county under this chapter during the period bears to the total of all county funds expended by all counties under this chapter during the period.

Method of computing amounts

2903. The method of computing and paying the amounts provided for in Sections 2901 and 2902 for each quarter shall be as follows:

(a) The department shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of Sections 2901 and 2902, such estimate to be based on a report filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter; (2) records showing the number of individuals (cases) estimated to be in need of relief during the ensuing quarter; and (3) such other information and investigation as the department may find necessary.

(b) The department shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the department and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

Upon the order of the department, the amount approved for the quarter may be paid in monthly installments and, if paid in monthly installments, all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the department.

2904. (a) Reports of payments of relief and of payments for the cost of administration thereof made under this chapter shall be presented by the respective counties at times and in the form prescribed by the department. Reports of payments

(b) Such reports shall be audited by the department and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 2903.

SEC. 2. The Relief Act of 1945 is repealed. Repeal

CHAPTER 144

An act to amend Section 5102 of the Welfare and Institutions Code, relating to persons suffering from epilepsy and their commitment to a state hospital.

[Approved by Governor April 7, 1953. Filed with Secretary of State April 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5102 of the Welfare and Institutions Code is amended to read:

5102. No case of harmless chronic mental unsoundness or mental deficiency shall be committed to the Department of Mental Hygiene for placement in any state hospital for the care and treatment of the mentally ill. When any such person becomes mentally ill, however, he may be committed to the department for placement in a designated state hospital for the mentally ill or to a licensed hospital or sanitarium, as provided in this chapter. Commitment of certain persons prohibited

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CHAPTER 145

An act to add Section 11007.7 to the Government Code, relating to the powers of the Department of Finance with respect to insurance.

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.] In effect September 9, 1953

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

SECTION 1. Section 11007.7 is added to the Government Code, to read:

11007.7. The procurement of insurance by any state agency shall be subject to approval of the Department of Finance. Any such procurement may, upon request of the state agency concerned, be made by the Department of Finance on behalf of such agency. Procurement of insurance by state agency

Whenever the procurement of insurance for or on behalf of the State is authorized by law and no state agency is specifically

authorized to purchase such insurance, the Department of Finance may procure such insurance.

Exceptions

This section shall not apply to (a) insurance procured by the Department of Public Works or the California Toll Bridge Authority under Sections 100.7 and 30450 to 30453, inclusive, Streets and Highways Code; (b) insurance procured by the State Treasurer under Section 12305 of this code; (c) workmen's compensation insurance procured under Section 11870, Insurance Code; (d) insurance, other than liability insurance, procured by the Board of State Harbor Commissioners for San Francisco Harbor; (e) insurance procured by the Department of Veterans Affairs under Division 4 of the Military and Veterans Code.

CHAPTER 146

An act to amend Section 397 of the Penal Code, relating to the selling or furnishing of intoxicating liquors.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Section 397 of the Penal Code is amended to read:

When sale of liquor a misdemeanor

397. Every person who sells or furnishes, or causes to be sold or furnished, intoxicating liquors to any habitual or common drunkard, or to any person who has been adjudged legally incompetent or insane by any court of this State and has not been restored to legal capacity, knowing such person to have been so adjudged, is guilty of a misdemeanor.

CHAPTER 147

An act authorizing the Director of Finance to quitclaim the interest of the State of California in and to a pipeline and easement in Napa County.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

Authorization to quitclaim certain property

SECTION 1. The Director of Finance is authorized to quitclaim all right, title and interest of the State of California in and to that certain pipeline and pipeline easement extending between the Spencer Ranch and Napa State Hospital in Napa County, for such consideration and subject to such conditions, limitations, restrictions and reservations as he deems are in the best interests of the State.

CHAPTER 148

An act to amend Sections 11716 and 11716.1 of, and to add Sections 11716.3 and 11716.4 to, the Insurance Code, and to amend Section 4 of Chapter 14 of the Statutes of 1953, relating to insurance.

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11716 of the Insurance Code is amended to read:

Security deposit

11716. Such deposit shall be security for the payment of the insurer's obligations on workmen's compensation insurance transacted in this State. If the insurer maintaining such deposit suspends payment or becomes insolvent or enters receivership, the commissioner and the Industrial Accident Commission shall proceed as set forth in Sections 11716.1, 11716.2, 11716.3 and 11716 4. Such deposit shall not be withdrawn except upon the written order of the commissioner in payment of compensation claims, but shall be forthwith payable by the State Treasurer to the commissioner upon such order.

SEC. 2. Section 11716.1 of said code is amended to read:

Procedure upon insurer's insolvency, etc

11716.1. If such insurer becomes insolvent or enters receivership, the commissioner shall make a determination whether such insurer shall continue to carry on its business as a workmen's compensation insurer or not. If he determines that it shall not, he shall, as soon as practicable:

(a) Notify the Industrial Accident Commission of this determination.

(b) Supply the Industrial Accident Commission with the names and addresses of all persons shown by the file of such insurer to be claimants or potential claimants for workmen's compensation benefits.

(c) Estimate the aggregate liability of such insurer under all workmen's compensation insurance policies, which estimate may be revised if there is need therefor.

(d) If such estimate as originally made or as revised does not exceed ninety percent (90%) of such deposit, pay out of such deposit the full amount of any awards of the Industrial Accident Commission which are certified to him and from which no appeal is taken.

(e) If such estimate as originally made exceeds ninety percent (90%) of such deposit, pay out of such deposit the same proportion of each award of the Industrial Accident Commission which is certified to him and from which no appeal is taken that ninety percent (90%) of the amount of the deposit bears to the amount of the estimated liability as originally made.

(f) If after payments are made pursuant to (e), revisions in such estimate are made, make such payments on all awards as will equalize as nearly as possible the proportion paid on each

award and leave on deposit for subsequent distribution an amount equal to ten percent (10%) of the previous balance of such deposit.

SEC. 3. Section 11716.3 is added to the Insurance Code, to read:

Distribution of deposit balance

11716.3. Five years after such insurer becomes insolvent or enters receivership the commissioner shall distribute the balance of said deposit by first making such payments on such awards as will equalize as nearly as possible the proportion paid on each such award and, second, distributing the balance thereof pro rata among awardees until all have received the full amount of such awards. If all such awards have been fully paid, the balance of such deposit shall be transferred to the general assets of such insurer and distributed as a part thereof.

SEC. 4. Section 11716.4 is added to the Insurance Code, to read:

Undeliverable payment

11716.4. If payment mailed to any awardee at his last known address has been returned as undeliverable and the commissioner is unable to locate such awardee and he makes no demand for such payment upon the commissioner within such five-year period, such payment shall revert to the deposit and shall be distributed as set forth in Section 11716 1. No distribution pursuant to Section 11716.3 shall be made to such awardee.

SEC. 5. Section 4 of Chapter 14 of the Statutes of 1953 is amended to read:

Commissioner not liable for inadequate estimate

Sec. 4. The Insurance Commissioner shall not be liable to any claimant because the estimates of liability made under Section 11716.1 (c) of the Insurance Code have proved inadequate and have resulted in a reduction of the amount paid to any claimant; provided, such estimates and any revisions thereof are made in good faith and in accordance with law.

CHAPTER 149

An act to amend Sections 12, 13, 14, 16, 17, and 18 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to the taxing powers, issuance of bonds, and financing for flood control projects, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Section 12 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 12. The board shall have power, in any year:

Taxing powers

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and ex-

penses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed one cent ($0.01) on each one hundred dollars ($100) of assessed valuation, and

2. To levy taxes or assessments in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy taxes or assessments by either method authorized by subdivision 2 of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 11 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Collection and disposition of revenues

Said taxes or assessments shall be levied and collected together with and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof,

derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 2. Section 13 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Bond issue

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Alameda County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

Special bond election

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act

Same Ordinance contents

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and

participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Map

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Publication

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Defect in proceedings

Vote

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 3. Section 14 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Form of bonds

SEC. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together

with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

Denomination, interest, etc.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

SEC. 4. Section 16 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Payment of bonds

Sec. 16. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in clause (a) or (b) of subdivision 2 of Section 12 of this act No zone nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

SEC. 5. Section 17 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Annual tax levy

Sec. 17. The board shall levy a tax or assessment each year sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments

shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Alameda County to the credit of the zone of issuance, 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 county treasurer of said Alameda County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 6. Section 18 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Law applicable

Sec. 18. The provisions of law of this State, prescribing the 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 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. All property exempt from taxation for county purposes under the provisions of the Revenue and Taxation Code of the State of California is exempt from taxation for the purposes of this act. Property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to this State, or to any county, city and county, or municipal corporation within this State shall be exempt from assessment, except such lands and the improvements thereon located outside of the county, city and county or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to assessment. All property of a municipal utility district located within the boundaries of the Alameda County Flood Control and Water Conservation District is exempt from both taxation and assessment under this act.

Urgency

SEC. 7. 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: The act governing this district as now worded requires a levy on both real and personal property in order to finance projects. However, since no California court decision as yet has authorized a levy on personal property to finance flood control projects, it is impossible to obtain an opinion from bonding attorneys approving bonds of the district financed in part from levies on personal property. Bonds of the district cannot be traded in the open market or advantageously sold unless they are accompanied by such an opinion. During the

last rainy season flood damage in the areas where bond elections are proposed amounted to an estimated one million eight hundred seventy thousand dollars ($1,870,000), and in order to make bond funds available as soon as possible to prevent further loss and damage to property and county roads, it is necessary that this act take effect immediately.

CHAPTER 150

An act to amend Sections 5125, 5126, 5127, and 5128 of the Welfare and Institutions Code, relating to jury trials of mentally ill persons.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Section 5125 of the Welfare and Institutions Code is amended to read:

Jury trial on question of mental illness

5125. If a person ordered under Section 5100 to be cared for or detained in any licensed hospital or sanitarium as a mentally ill person or committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge so detaining or committing him, he may, within 10 days after the making of such order, demand that the question of his mental illness be tried by a judge or by a jury in the superior court of the county in which he was committed or the order of detention was issued. Thereupon the court shall set the case for hearing at a date, or shall cause a jury to be summoned and to be in attendance at a date stated, not less than five nor more than 10 days from the date of the demand for a court or jury trial. The court shall adjudge whether the person is mentally ill, or if it is a trial by jury shall submit to the jury the question: Is the person mentally ill?

SEC. 2. Section 5126 of said code is amended to read:

Stay of commitment proceedings

5126 Proceedings under Section 5100 under the order of detention in a licensed hospital or sanitarium or commitment to a state hospital shall not be stayed, pending the proceedings for determining the question of mental illness by a judge or jury, except upon the order of a superior judge, with provision made therein for such temporary care and custody of the person as the judge deems necessary. If the superior judge, by the order granting the stay, commits the person to the custody of any person other than a peace officer, he may, by such order, require a bond for his appearance at the trial.

SEC. 3. Section 5127 of said code is amended to read:

Petition presented by district attorney

5127. At the trial the petition and its allegations that the person is a mentally ill person shall be presented by the district attorney of the county.

SEC. 4. Section 5128 of said code is amended to read:

Trial Discharge or commitment

5128. The trial shall be had as provided by law for the trial of civil causes, and if tried before a jury the person shall be

discharged unless a verdict that he is mentally ill is found by at least three-fourths of the jury. If the judge adjudges or the verdict of the jury is that he is mentally ill the judge shall adjudge that fact and make an order similar to the original order for detention in a licensed hospital or sanitarium or for commitment to a state hospital. If such order is for the supervision, treatment, care or restraint of the mentally ill person in a licensed hospital or sanitarium, a peace officer shall deliver the person and present a copy of the order to the superintendent or other official of such institution; if the order is for the commitment of a mentally ill person to a state hospital, such order shall be presented, at the time of commitment of the mentally ill person, to the superintendent or person in charge of the state hospital to which the mentally ill person is committed.

CHAPTER 151

An act to codify certain acts, relating to aviation and the organization, powers, and duties of agencies regulating and furnishing facilities for aviation, by adding Division 9 to the Public Utilities Code; and by repealing certain acts specified herein.

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

In effect September 9, 1953

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

SECTION 1. Division 9 is added to the Public Utilities Code, to read:

DIVISION 9. AVIATION

PART 1. STATE AERONAUTICS COMMISSION ACT

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

21001. This part may be cited as the "State Aeronautics Commission Act." Short title

21002. The purpose of this part is to further and protect the public interest in aeronautics and aeronautical progress by the following means: Purpose

(a) Encouraging the development of private flying and the general use of air transportation.

(b) Fostering and promoting safety in aeronautics.

(c) Effecting uniformity of the laws and regulations relating to aeronautics consistent with federal aeronautics laws and regulations.

(d) Granting to a state agency such powers and imposing upon it such duties that the State may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property, assist in the development of a state-wide system of airports, encourage the flow of

private capital into aviation facilities, and cooperate with and assist political subdivisions and others engaged in aeronautics in the development and encouragement of aeronautics.

(e) Establishing only those regulations which are essential and clearly within the scope of the authority granted by the Legislature, in order that persons may engage in every phase of aeronautics with the least possible restriction consistent with the safety and the rights of others.

(f) Providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this State.

21003. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

Public and governmental functions

21004. The acquisition of any land or interest therein pursuant to this part, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the State separately or jointly with any political subdivision, and the exercise of any other powers granted to the commission by this part are public and governmental functions, exercised for a public purpose, and are matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the State pursuant to this part are acquired and used for public and governmental purposes as a matter of public necessity.

Construction

21005. This part shall not be construed as limiting any power of the State or a political subdivision to regulate airport hazards by zoning.

21006. This chapter or any other law shall not be construed as prohibiting, restricting, or permitting the prohibition of the operation or landing in populated areas of helicopters and similar aircraft capable of approximately vertical ascent and descent, subject to such reasonable rules affecting the public safety as the commission may promulgate.

Definitions

21007. "Commission" means the California Aeronautics Commission.

21008. "Director" means the Director of Aeronautics.

21009. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative.

21010. "Political subdivision" means any county, city, city and county, public corporation, district or other political entity or public corporation of this State.

21011. "Aeronautics" means:

(a) The science and art of flight, including transportation by aircraft

(b) The operation, construction, repair, or maintenance of aircraft and aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes.

(c) The design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities.

21012 "Aircraft" means any contrivance used or designed for navigation of, or flight in, the air.

21013. "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, and all airport buildings and facilities located thereon.

21014. "Air navigation facility" means any facility, other than facilities owned or operated by the United States, used, or available or designed for use, in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other facilities used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport.

21015. "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this State or upon any airport within this State.

21016. "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher, or air traffic control-tower operator. "Airman" does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him.

21017. "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to the landing or taking off.

21018. "Airway" means a route in the navigable air space over the land or waters of this State, designated by proper authority as a route suitable for air navigation.

21019. Any person violating any of the provisions of this part, or any of the rules or orders issued under this part, is punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment of not more than six months, or both. Penalty

CHAPTER 2. CALIFORNIA AERONAUTICS COMMISSION

Article 1. Organization

California Aeronautics Commission

21201. There is in the State Government the California Aeronautics Commission, which consists of five members appointed by the Governor by and with the consent of the Senate.

21202. Each member of the commission shall be a citizen and bona fide resident of the State. At least two members shall have three or more years of practical experience in aeronautics as private or commercial pilots, airport managers, or aviation executives.

21203. Members of the commission shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members of the commission in office at the time this part takes effect shall expire on January 1st of that year which for the particular member has heretofore been determined.

Vacancies shall be filled by appointment for the unexpired term.

21204. The Governor may remove any member of the commission for inefficiency, neglect of duty, or malfeasance in office, after notice and a reasonable opportunity to be heard.

Director of Aeronautics

21205. A Director of Aeronautics shall be appointed by the commission. He shall hold the confidential position for the commission, exempt from civil service, and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of his powers and duties. He shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation, or employment. He shall receive an annual salary of not more than twelve thousand dollars ($12,000) to be fixed by the commission, and shall be reimbursed for all traveling and other expenses, incurred by him in the discharge of his official duties.

Same Powers and duties

21206. The director is the executive officer of the commission and under its supervision shall administer this part, the rules, regulations, and orders established thereunder, and all other laws of the State relative to aeronautics. He shall attend, but not vote at, all meetings of the commission. He shall be in charge of the offices of the commission and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. The director shall appoint, subject to the approval of the commission and pursuant to the civil service law, such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the commission and for whose services funds have been appropriated At the direction of the commission, and with the chairman of the commission, he shall execute all contracts entered into by the commission.

21207. The commission may delegate to the director any of its powers or duties, by written order filed in its office. The director may exercise these powers and duties in the name of the commission. Delegation of powers

21208. The commission shall adopt a seal, and make rules and regulations for its administration not inconsistent with this part.

21209. The commission shall elect from among its members a chairman, vice chairman, and secretary, each to serve for one year and until his successor is appointed and qualified. Organization, etc

21210. The commission shall fix the date and place for its regular meetings. Special and executive meetings may be called as provided by the rules and regulations of the commission. All meetings other than executive meetings shall be open to the public. Regular meetings shall be held at the commission's established offices. Whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, the commission may hold meetings, hearings, or proceedings at any other place it may designate.

21211. Three members of the commission constitute a quorum, and no action shall be taken by less than a majority of the commission.

21212. Each member of the commission shall receive his actual and necessary expenses or twenty-five dollars ($25) a day for attending meetings of the commission or while acting under its orders.

21213. The commission shall report in writing to the Governor on or about December 1st of each year. The report shall contain a summary of the proceedings of the commission during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the commission, any other information the commission deems necessary or useful, and any additional information requested by the Governor. Report

21214. The fiscal year of the commission shall conform to the fiscal year of the State.

21215. The State shall provide suitable offices and office equipment for the commission in the City of Sacramento. The commission may maintain offices in any other city in the State and may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this part. Offices

Article 2. Powers and Duties

21241. The commission shall encourage, foster, and assist in the development of aeronautics in this State and encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the Federal Government, political subdivisions of this State, and others in the development of aeronautics, and shall seek to coordinate their aeronautical activities. Powers and duties

Political subdivisions may cooperate with the commission in the development of aeronautics and aeronautics facilities in this State.

21242. The commission may:

(a) Draft and recommend necessary legislation to advance the interest of the State in aeronautics.

(b) Represent the State in aeronautical matters before federal and other agencies.

(c) Participate as plaintiff or defendant or as intervenor on behalf of the State or any political subdivision or citizen in any controversy which involves the interest of the State in aeronautics.

(d) Assist political subdivisions and their law enforcement agencies in becoming acquainted with and enforcing the civil air regulations.

Rules, etc

21243. The commission may make and amend general or special rules, regulations, and procedures and establish minimum standards, consistent with and clearly within the scope of federal legislation governing aeronautics and the rules, regulations, and standards issued thereunder.

21244. For the purpose of protecting and insuring the general public interest and safety and the safety of persons operating, using, or traveling in aircraft and developing aeronautics in this State, and after appropriate public hearings, the commission may make and amend temporary general or special rules and procedures and establish temporary minimum standards consistent with this part as it deems necessary to administer this part. The commission shall draft these temporary rules, procedures, and standards in the form of proposed aviation law and shall submit them to the next general session of the Legislature. These temporary rules, procedures, and standards shall not remain in effect beyond 90 days after the final adjournment of that session of the Legislature.

21245. The commission shall keep on file with the Secretary of State, and at its principal office, a copy of all its rules for public inspection

21246. The commission shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

Contracts

21247. The commission may enter into any contracts necessary to the execution of its powers under this part. All contracts made by the commission, either as the agent of the State or as the agent of any political subdivision, shall be made pursuant to the laws of the State governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal money, the commission, as agent of the State or of any political subdivision, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules made thereunder.

21248. The commission may exercise any of its powers under this part jointly with any political subdivision, state agency, other states or their political subdivisions, or the United States. Cooperation with other agencies, etc

21249. The commission may confer or hold joint hearings with any federal agency in connection with any matter arising under this part or relating to the sound development of aeronautics.

21250. The commission may avail itself of the cooperation, services, records, and facilities of the federal agencies in the administration and enforcement of this part. It shall cooperate with and make available to the federal agencies, its services, records, and facilities, insofar as practicable

21251. In administering this part the commission may use the facilities and services of other state agencies and political subdivisions to the utmost extent possible. These agencies and political subdivisions shall make available to the commission their facilities and services.

21252. The commission, its members, the director, officers and employees of the commission, and every state and peace officer charged with the enforcement of state and subordinate laws or ordinances shall enforce and assist in the enforcement of this part, the rules and orders issued under this part, and all other laws of this State relating to aeronautics. The commission, each of its members, the director, and such of the officers and employees of the commission as may be designated by it have general police powers in aid of the enforcement of this part, the rules and orders issued under this part, and all other state laws relating to aeronautics. Enforcement

21253. In the name of the State, the commission may enforce this part and the rules and orders issued under this part by injunction or other legal process in the courts of this State

21254. The commission may report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violations of Section 21407, and Sections 21409 to 21412, inclusive, and all penalties of which it has knowledge imposed upon airmen or the owners or operators of aircraft for violations of the law of this State relating to aeronautics or for violations of the rules or orders of the commission. Reports of violations

21255. The commission may receive reports of penalties and other data from agencies of the Federal Government and other states, and may enter into agreements with these agencies governing the delivery, receipt, exchange, and use of reports and data. The commission may make the reports and data of these agencies and of the courts of this State available to any court of this State and to any officer of the State or of any political subdivision authorized to enforce the aeronautics laws by Section 21252.

21256. The commission may accept, receive, receipt for, disburse, and expend federal and other money, public or private, made available to accomplish in whole or in part any of the purposes of this part. All federal money accepted under this part shall be accepted and expended by the commission upon the Receipt and disbursement of funds

terms and conditions prescribed by the United States. In accepting federal money under this part, the commission shall have the same authority to enter into contracts on behalf of the State as is granted to the commission under Section 21603. The commission shall deposit all money received under this section in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Aircraft

21257. The commission may own and operate aircraft for use in the furtherance of its duties, employ airmen and mechanics for proper operation and maintenance of the aircraft, and insure its employees against injury or death arising from aircraft accidents incurred in the performance of their assigned duties, within the limits of appropriations for these purposes.

CHAPTER 3. REGULATION OF AERONAUTICS

Sovereignty

21401. Sovereignty in the space above the land and waters of this State rests in the State, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of the State.

Ownership

21402. The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403.

Lawful flight

21403. Flight in aircraft over the land and waters of this State is lawful, unless at altitudes below those prescribed by federal authority, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his consent, is unlawful except in the case of a forced landing. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

Tort liability

21404. Subject to Section 21406, the liability of the owner or pilot of an aircraft carrying passengers for injury or death to the passengers is determined by the rules of law applicable to torts on the land or waters of this State, arising out of similar relationships.

21405. Subject to Section 21406, the liability of the owner of one aircraft to the owner of another aircraft, or to operators or passengers on either aircraft, for damage caused by collision on land or in the air, is determined by the rules of law applicable to torts on land.

21406. A guest riding in or upon any aircraft without giving compensation, or any other person, does not have any right of action for civil damages against the airman flying the aircraft or against any other person otherwise legally liable for the conduct of the airman, on account of personal injury to, or the death of, the guest during such ride, unless the plaintiff in the action establishes that the injury or death proximately

resulted from the intoxication or wilful misconduct of the airman.

21407. It is unlawful for any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics. Recklessness etc

21408. For any violation of Section 21407, in addition to, or in lieu of, the penalties provided by Section 21019, or as a condition to the suspension of a sentence, the court may prohibit the violator from operating an aircraft within the State for a period not exceeding one year. Violation of the prohibition of the court may be treated as a separate offense under this section or as a contempt of court. Upon a plea of guilty or conviction under Section 21407, the commission shall cause a record of the plea or conviction and of the sentence imposed to be maintained. This section shall not be construed as warrant for the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license. Prohibition from operation

21409. It is unlawful for any person to engage in aeronautics as an airman in the State unless he has an appropriate effective airman certificate, permit, rating, or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if the certificate, permit, rating, or license is required by the United States. License, etc

21410. Every airman shall keep any certificate, permit, rating, or license required for him by the United States in his personal possession when he is operating within the State. He shall present it for inspection upon the demand of any peace officer, any other officer of the State or of a political subdivision, or member, official, or employee of the commission, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the airman lands, or upon the reasonable request of any other person.

21411. It is unlawful for any person to operate, or cause or authorize to be operated, any civil aircraft within this State unless the aircraft has an appropriate effective certificate, permit, or license issued by the United States if required by the United States. Aircraft certificate permit, etc

21412. Any certificate, permit, or license required by the United States for an aircraft shall be carried in the aircraft at all times while the aircraft is operating in the State, shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors, and shall be presented for inspection upon the demand of any peace officer, any other officer of the State or of a political subdivision, or member, official, or Posting of aircraft permit, etc

employee of the commission, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the aircraft lands, or upon the reasonable request of any person.

Accidents

21413. The commission shall report to the appropriate federal agency all accidents in aeronautics in this State of which it is informed, and shall, insofar as is practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

CHAPTER 4. AIRPORTS AND AIR NAVIGATION FACILITIES

Article 1. Assistance to Political Subdivisions

Assistance to political subdivisions

21601. The commission may make available its engineering and other technical services, with or without charge, to any political subdivision or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities, subject to rules promulgated by the commission.

21602 Subject to the terms and within the limits of special appropriations made by the Legislature, the commission may render financial assistance by grant or loan, or both, to any political subdivision or political subdivisions jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled, by the political subdivision or subdivisions, if the financial assistance has been shown by public hearing to be essential to the proper development or maintenance of a statewide system of airports. Financial assistance may be furnished in connection with federal or other financial aid for the same purpose.

21603. Upon the request of any political subdivision or political subdivisions acting jointly, the commission may act as agent in accepting, receiving, receipting for, and disbursing federal money, and other money public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a public airport or air navigation facility. The commission may act as agent in contracting for and supervising the planning, acquisition, construction, improvement, maintenance, or operation. Any political subdivision may designate the commission as its agent for these purposes.

The commission as principal on behalf of the State, and any political subdivision on its own behalf, may enter into any contracts with each other, the United States, or any person, which may be required in connection with a grant or loan of federal money for public airport or air navigation facility purposes.

Federal funds

All federal money accepted under this section shall be accepted and transferred or expended by the commission upon

such terms and conditions as are prescribed by the United States. All money received by the commission pursuant to this section shall be deposited in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Article 2 State Airports and Air Navigation Facilities

21631. From appropriations or other money made available for the purpose, the commission, on behalf of and in the name of the State, may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, either within or without the State, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. Establishment, etc., of airports, etc.

21632. The commission may also acquire existing airports and air navigation facilities, but it shall not acquire any airport or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision.

21633. For the purposes of this article, the commission, by purchase, gift, devise, lease, condemnation, or otherwise, may acquire real or personal property, or any interest therein including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. Acquisition of property

21634 The commission may contract or otherwise provide, by condemnation if necessary, for the removal or relocation of any airport hazard or the removal or the relocation of all private structures, railways, highways, mains, pipes, conduits, wires, cables, poles, and all other facilities and equipment which may interfere with the location, expansion, development, or improvement of the airports and other air navigation facilities or with the safe approach thereto or takeoff therefrom by aircraft, and may pay the cost of the removal or relocation. When exercising its power of removal or relocation, the commission shall pay the cost of removal and relocation of any private structures, railways, mains, pipes, conduits, wires, cables, poles, or any other structure or equipment required to be moved to a new location. Removal, etc., of hazards, etc.

21635. In the condemnation of property, the commission shall proceed in the name of the State in the manner provided by the Code of Civil Procedure. For the purpose of making surveys and examinations relative to any condemnation proceedings, it is lawful to enter upon any land, doing no unnecessary damage. The power of the commission, by condemnation, to acquire or require the relocation of any railway, highway, Condemnation

main, pipe, conduit, wires, cables, poles, and all other facilities and equipment or other property held for or devoted to a public use shall be exercised only after the court in which the condemnation proceedings are pending finds that the taking or relocation for the public use of the commission is of greater public necessity than the public use for which the property is presently held or used. The court may fix the terms and conditions for the enjoyment of a right of common use, in lieu of taking or relocation, as it determines will best suit the public interest and necessity.

Disposition of property

21636. The commission may dispose of any property, airport, air navigation facility, or portion or interest, acquired pursuant to this article, by sale, lease, or otherwise. The disposal shall be in accordance with the laws of this State governing the disposition of other state property, except that in the case of disposals to any political subdivision or government or the United States for aeronautical purposes, the disposal may be effected in the manner and upon the terms the commission deems in the best interests of the State.

Contracts, etc., re airports, etc

21637. In operating an airport or air navigation facility owned or controlled by the State, the commission may enter into contracts, leases, and other arrangements for a term not exceeding 20 years with any person, granting the privilege of using or improving the airport or air navigation facility or space therein for commercial purposes, conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or making available services to be furnished by the commission or its agents at the airport or air navigation facility. In each case the commission may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with regard to the property and improvement used and the expenses of operation to the State. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of either. The commission shall grant no exclusive privilege for the sale or delivery of gasoline or other petroleum products.

Bids

21638. The commission shall call for bids for the operation of any state-owned airport and shall lease the airport for a term not to exceed five years to the highest qualified bidder or bidders. No person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the commission might not have undertaken under Section 21637. The State may operate an airport only if no acceptable bid is received.

Grant no exclusive right

21639. The commission shall grant no exclusive right for the use of any airport or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this article.

21640. To enforce the payment of any charges for repairs, improvements, storage, or care of any personal property by the commission or its agents in connection with the operation of an airport or air navigation facility owned or operated by the State, the State has a lien on the property, which is enforceable by the commission as provided by law. Enforcement lien

Article 3. Regulation of Airports

21661. This article does not apply to airports owned or operated by the United States or to privately owned airports not open to the general public when the airports are outside of the traffic pattern or control zone of an airport for which a permit has been granted. To the extent necessary, the commission may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, promulgated under this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety. Exemptions

21662. The commission may provide for the approval of airport sites and the issuance of airport permits. No charge shall be made for the approval or permit. Airport approvals and permits

21663. It is unlawful for any political subdivision, any of its officers or employees, or any person to operate an airport without an appropriate permit as may be required by rule of the commission pursuant to this article.

21664. Upon the promulgation by the commission of a rule providing for the approval of airport sites, any political subdivision or person desiring or planning to construct or establish an airport may apply to the commission for approval of the site prior to the acquisition of the site or prior to the construction or establishment of the proposed airport. The application shall set forth the location of all highways, railways, mains, pipes, conduits, wires, cables, poles, and other facilities and structures of public service corporations and of persons engaged in radio or television broadcasting located within the area proposed to be acquired or zoned, and the names of the owners of the facilities and structures. Application

21665. On its own motion, the commission may, or upon the request of an affected or interested person the commission shall, hold a public hearing in connection with the approval of an airport site or the issuance of an airport permit. Before the commission grants or denies approval of an airport site or issues an original permit to use or operate an airport, all public service corporations and all persons or corporations engaged in radio or television broadcasting owning facilities in the area involved shall be notified of the application and shall have 15 days after the notice in which to demand a public hearing. Notice and hearing

21666. The commission shall grant approval of an airport site and issue an airport permit, with reasonable dispatch, if it is satisfied that all of the following requirements have been met: Permit requirements

(a) The site is adequate for the proposed airport. Any site shall be deemed adequate which meets or exceeds the minimum

airport standards approved or recommended by the Federal Government.

(b) The proposed airport, if constructed or established, will conform to minimum standards of safety.

(c) Safe air traffic patterns have been worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity.

The commission may grant approval of a site subject to any reasonable conditions which it deems necessary to effectuate the purposes of this article.

21667. The commission shall grant approval of airport sites and issue airport permits for any improved airports in use or ready for use on June 30, 1947.

Revocation

21668. The commission may revoke any airport permit, after notice and an opportunity for hearing have been given to the holder, if it reasonably determines that any of the following conditions are present:

(a) There has been an abandonment of the site as an airport.

(b) There has been a failure within the time prescribed, or if no time was prescribed within a reasonable time, to develop the site as an airport or to comply with the conditions of the approval.

(c) The site is no longer usable for the aeronautical purposes for which the approval was granted because of change of physical or legal conditions or circumstances.

CHAPTER 5. PROCEEDINGS

Administrative Procedure Act

21691. Any hearing held under this part shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Investigations, etc

21692. The commission, any member, the director, or any officer or employee of the commission designated by it may hold investigations, inquiries, and hearings concerning matters covered by this part and the rules and orders of the commission, and concerning accidents in aeronautics within this State. Hearings shall be open to the public and, except as provided in Section 21691, shall be held upon such call or notice as the commission deems advisable. Each member of the commission, the director, and every officer or employee of the commission designated by it to hold any inquiry, investigation, or hearing may administer oaths and affirmations, certify to all official acts, issue subpenas, and order the attendance and testimony of witnesses and the production of papers, books, and documents. If any person fails to comply with any subpenas or order issued under the authority of this section, the commission or its authorized representative may invoke the aid of any court of general jurisdiction. The court may order such person to comply with the requirements of the subpena or order to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

21693. In order to facilitate the making of investigations by the commission in the interest of public safety and promotion of aeronautics, the reports of investigations or hearings or any part of the reports, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigation, hearing, or report, except in case of any suit, action, or proceeding, civil or criminal, instituted by or in behalf of the commission or in the name of the State under the provisions of this part or other laws of the State relating to aeronautics. Any member of the commission, the director, or any officer or employee of the commission shall not be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, nor be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to these limitations, the commission may make available to appropriate federal, state, and political subdivision agencies information and material developed in the course of its investigations and hearings. Limitations

21694. Every order of the commission requiring performance of certain acts or compliance with certain requirements shall set forth the reasons, state the acts to be done or requirements to be met, and be served upon the person affected either by registered mail or in person. Any person aggrieved by an order of the commission may have the action of the commission reviewed by the courts in the manner provided by law. Service of order

PART 2. AIRPORT DISTRICTS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

22001. This part may be cited as the "California Airport District Act." Short title

22002. The purpose of this part is to facilitate the formation of intercity and county airport districts having responsibility for the development of airports and air navigation facilities, the objective being to encourage airport development by communities and to distribute its cost uniformly among all who benefit. Purpose

22003. Unless the context otherwise requires, the definitions and general provisions contained in this chapter govern the construction of this part.

22004. Airport districts may be created, maintained, and managed as provided in this part and may exercise the powers expressly granted or necessarily implied. Airport districts

22005. A district may lie within or include the territories of one or more counties. It may include one or more cities, all or any part of any city and any part of the unincorporated territory of any county.

22006. The boundaries of a district may be altered and outlying contiguous territory in the same or an adjoining county annexed to the district in the manner prescribed by this part for the original formation of districts, insofar as the provisions are applicable.

22007. Except as otherwise provided in this part, the law governing the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, declaration of results, and all other particulars in respect to the calling and holding of general municipal elections in cities of the fifth and sixth class, so far as applicable, governs all district elections.

Definitions

22008. "District" means airport district, formed or proposed to be formed, pursuant to this part.

22009. "Principal county" means the county in which all of the territory of the district is situated, or if the territory is situated in more than one county, the county in which the greatest portion of the territory is situated.

22010. "Affected county" means any county in which the territory of the district is situated.

22011. "Board" means the board of directors of the district.

22012. "Director" means member of the board.

22013. "Secretary" means secretary of the board.

22014. "Bond election" means an election provided for in Article 2 of Chapter 5.

22015. "Formation election" means an election provided for in Article 4 of Chapter 2.

22016. "Bond tax" means the tax levied pursuant to Chapter 6 for the payment of the bonded indebtedness of the district.

22017. "District tax" means the tax levied pursuant to Chapter 6 for the payment of expenses of, and claims against the district, other than the bonded indebtedness.

CHAPTER 2. FORMATION

Article 1. Resolution

Resolution of intention

22151. The board of supervisors of each county desiring to form, or join in forming, a district shall adopt a resolution of intention to that effect.

22152. Each resolution shall contain:

(a) A statement of intention to form a district.

(b) The boundaries of the district or some other designation of its territorial extent.

(c) The name of the district.

(d) The time and place for hearing objections to the formation of the district or to its extent. The time of the hearing shall not be less than 30 days after the adoption of the resolution.

(e) The name of the newspaper in which the resolution shall be published.

Publication

22153. Each resolution shall be published at least once in a newspaper of general circulation published in the county concerned. The board of supervisors may order it published in more than one such newspaper. The first publication shall be at least 20 days before the date of hearing. The publication of the resolution constitutes the notice of the hearing.

Article 2. Investigation and Termination by Majority Protest

22176. Except as otherwise provided in this article, the District Investigation Law of 1933 applies to districts formed under this part. Applicable law

22177. Section 22178 of this code supersedes Section 58680 of the Government Code, with respect to districts formed under this part.

22178. The requirements of the District Investigation Law for the mailing of the notice of hearing, and for the inclusion in the report of value and liability statements provided for in Article 3 of that law, do not apply to districts formed under this part if the board of supervisors of each affected county, prior to the hearing on the formation of the district, finds by resolution adopted by a four-fifths vote of its members that: Notice, etc., not required

(a) In its opinion the probable assessments will not exceed the limitations prescribed in the District Investigation Law.

(b) The property to be assessed will be able to carry the assessments.

(c) The assessment limitations may be dispensed with.

Article 3. Hearing

22201. Written protests or objections to the formation of the district or to its extent within the county may be filed in the office of the clerk of the board of supervisors of any affected county at any time prior to the hour fixed for the hearing. At the hearing the board of supervisors shall consider only the protests or objections filed pursuant to this section. Protests, etc.

22202. The board of supervisors of each affected county shall hold a public hearing to consider the objections or protests at the time fixed for the hearing. The hearing may be continued by order of the board of supervisors entered on its minutes. Hearing

22203. Each board of supervisors may overrule any protests or objections filed with it.

22204. The board of supervisors of each affected county may exclude any territory within the county that in its opinion will not be benefited by inclusion in the district. Exclusion from district

Article 4. Election

22226. If after the hearing the board of supervisors of each affected county determines that the district should be formed, each board, by resolution entered on its minutes, shall: Resolution

(a) Define and describe the boundaries of the district or otherwise designate its territorial extent.

(b) State the name of the district, which shall contain the words "_____ airport district."

(c) Call an election in the county, or portion thereof within the district, for the purpose of determining whether the district shall be formed and to elect a board of five directors for the district if formed.

(d) Fix the date of the election and the hours the polls will be open.

(e) Establish election precincts and designate polling places for the election.

(f) Appoint the election officers.

Publication

22227. The resolution shall be published by two insertions in at least one newspaper published in each county and city in the district. The first publication shall be at least 30 days prior to the date of the election. The resolution may be published in more than one newspaper by order of the board of supervisors of the affected county.

Proposition

22228 The proposition submitted at the election shall be "Shall the proposition to form _____ Airport District under the California Airport District Act be adopted?"

Election

22229. Except as otherwise provided in this article, the election shall be called, noticed, and conducted, candidates nominated, the vote canvassed, and the results declared in the manner prescribed by law for general municipal elections in cities of the fifth and sixth classes and by the general laws so far as applicable.

Powers and duties

22230. At the first election the board of supervisors of each affected county and its clerk have the powers and duties vested in the legislative bodies of cities and their clerks by the general laws described in Section 22229. Thereafter the board of directors of the district and its secretary have these powers and duties.

Election returns

22231. The canvass of the returns of the election shall be made at the time, in the manner, and by the officers prescribed by law for special elections in each affected county.

22232. If the canvass is made by an officer other than the board of supervisors of the affected county, the officer shall transmit the results to the board of supervisors The board of supervisors shall declare the result of the election.

Article 5. Establishment of District

Declaration of district formation

22256. By a resolution entered on its minutes, the board of supervisors of each affected county shall declare the district formed if:

(a) A majority of the votes cast at the election is for the formation of the district.

(b) A majority of the votes cast in a majority in number of the cities included in whole or in part in the district, counting all of the unincorporated territory in each affected county as a city for this purpose, is for the formation of the district.

22257. The resolution shall contain the name of the district and a description or other designation of its boundaries

Filing

22258. A certified copy of the resolution shall be filed in the office of the recorder of each affected county and with the Secretary of State.

22259. Upon the filing with the Secretary of State, the formation of the district is complete.

CHAPTER 3. INTERNAL ORGANIZATION

Article 1. Board of Directors

22401. A board of five directors is the governing body of the district. Board of directors

22402 Each district shall hold a general district election for the election of directors on the fourth Tuesday in March in the second year after its formation, and on the fourth Tuesday in March in every fourth year thereafter.

22403. Within 30 days after notice of election or appointment each member of the board shall qualify by taking the official oath of office and filing it with the clerk of the principal county.

22404. The directors elected at the formation election hold office until the first general election in the district and until their successors are elected and qualified.

22405. The term of office of each director elected after the formation election is four years and until his successor is elected and qualified.

22406. The board shall fill any vacancies occurring in the office of director. The appointee shall hold office for the balance of the term and until his successor is elected and qualified.

22407. Each director shall be allowed, with the approval of the board, all traveling and other expenses necessarily incurred by him in the performance of his duties.

22408. The board shall hold its first meeting in the meeting room of the board of supervisors of the principal county at 10 a m on the first Monday after the formation of the district.

22409. At its first meeting the board shall provide for the time and place of holding its meetings and the manner in which special meetings may be called. The board may establish rules for its proceedings.

22410 A majority of the board constitutes a quorum for the transaction of business.

Article 2. Officers and Employees

22436 At its first meeting the board shall choose one of its members president. The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board. President

22437 At its first meeting or as soon thereafter as practicable, by a majority vote the board shall appoint a general manager, a secretary, a district counsel, and an auditor These officers shall serve at the pleasure of the board The board shall fix their compensation. Other officers

22438 The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed by the board. Secretary

22439. The general manager has the following powers and functions: General manager

(a) Full charge and control of the construction, maintenance, and operation of the physical properties of the district.

(b) Except as otherwise provided in this article, full power to employ and discharge all employees and assistants at pleasure, prescribe their duties, and, subject to the approval of the board, to fix their compensation.

(c) Such other duties as may be imposed by the board.

22440. The general manager shall report to the board in accordance with rules and regulations adopted by the board

Auditor

22441. The auditor shall install and maintain a system of auditing and accounting which shall competently and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district if the demands have been approved by at least three directors and the general manager.

Depositories

22442. The board shall designate depositories for the custody of the funds of the district. A depository shall give security sufficient to secure the district against possible loss and shall pay the warrants drawn by the auditor for demands against the district under such rules as the board may prescribe

Bonds

22443. The general manager, secretary, auditor, and all other employees or assistants of the district who may be required to do so by the board, shall give bonds to the district conditioned for the faithful performance of their duties as the board may prescribe.

CHAPTER 4. POWERS AND DUTIES

Exercised by board

22551. Except as otherwise provided in this part, the powers of the district shall be exercised by the board.

22552 A district has perpetual succession.

Powers and duties

22553 A district may:

(a) Sue and be sued, except as otherwise provided by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(b) Adopt a seal and alter it at pleasure.

(c) Provide and maintain public airports and landing places for aerial traffic.

(d) Acquire by purchase, condemnation, donation lease, or otherwise, real or personal property necessary to the full or convenient exercise of any of its powers or purposes.

(e) Improve, construct or reconstruct, lease, furnish or refurnish, use, repair, maintain, control, sell, or dispose of the property of the district, including any buildings, structures, lighting equipment, and all other equipment and facilities necessary therefor.

22554. A district may also:

(a) Employ legal counsel and provide all necessary custodians, employees, engineers, and attendants for the proper maintenance of the property of the district for any of its purposes.

(b) Borrow money, incur indebtedness, issue bonds or other evidence of the indebtedness, and refund or retire any indebtedness of the district.

(c) Cause to be levied and collected, taxes for the purpose of maintaining and carrying on the operations of the district and paying its obligations.

(d) Make contracts, employ labor, and do all acts necessary or convenient for the full exercise of any of the powers of the district.

22555. The board shall make all needful rules governing the use of the airports, landing places for aerial traffic, and other aerial facilities of the district.

22556. The board may charge and collect fees, tolls, and rentals for the use of all or a part of the aerial facilities of the district in such amounts and at such rates as, so far as possible, will produce revenues sufficient to pay the operating expenses of the district, provide for repairs and depreciation of the properties of the district, pay the interest on the bonded indebtedness of the district, and provide a sinking or other fund for the payment of the principal of the indebtedness as it becomes due.

CHAPTER 5. BONDS

Article 1. General

22701. As used in this chapter, "board of supervisors" means the board of supervisors of the principal county. "Board of supervisors"

22702. District bonds may be issued and sold pursuant to this chapter for the following purposes: Bond purposes

(a) Raising money for purchasing real property for airport purposes.

(b) Building and purchasing buildings or structures including hangars, or making alterations, additions, or repairs to the buildings or structures.

(c) Restoring or rebuilding buildings or structures damaged or destroyed by fire or other public calamity.

(d) Supplying buildings, structures, and hangars with furnishings and necessary apparatus.

(e) Improving the grounds of airports.

(f) Acquiring and maintaining lighting equipment and all other equipment, devices, and facilities necessary or convenient for the airports.

(g) Liquidating any indebtedness incurred for these purposes or refunding any valid outstanding indebtedness of the district evidenced by bonds or warrant.

(h) Paying all costs and expenses incident to the bond election, including engineering, architectural, or legal charges.

22703. If the board deems it advisable it may call an election and submit to the electors of the district the question whether district bonds shall be issued and sold. The board shall call a bond election upon the filing with the board of a petition signed by 10 percent of the registered voters of the district. Bond election

22704. The board shall call and conduct the bond election in the manner prescribed by this chapter.

22705. The order calling the bond election shall be signed by a majority of the directors.

22706. In the order calling the bond election, the board may submit to the electors as one proposal the question of issuing bonds for all or any of the purposes described in this article, or it may submit as separate questions the issuance of bonds for any of these purposes, singly or in such combinations as it directs in the order.

Bonds as proper investments

22707. When bonds issued pursuant to this part have been investigated and certified by any authorized officer of the State and are declared to be legal investments for savings banks, they may be purchased or received in pledge for loans by savings banks, building and loan companies, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer of the State or of any county or other municipal or corporate body in the State having or holding funds which they may legally invest or loan.

Signatures, etc

22708. If any officer whose signature, countersignature, or attestation appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature, countersignature, or attestation is valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds. The signature on the coupons of the person who is auditor at the date of the bonds is valid although the bonds may be attested by a different person who is auditor at the time of their delivery.

Article 2. Bond Election

Publication of notice

22731. A notice of the bond election, signed by a majority of the directors, shall be posted in three public places in the district not less than 20 days before the election and shall be published not less than once a week for three successive weeks before the election in a newspaper published in each affected county.

Contents of notice

22732. The notice shall contain:

(a) The time and place of holding the bond election.

(b) The names of the election officers.

(c) The hours the polls will be open.

(d) A statement of the purpose for which the election is held.

(e) The amount and denomination, the rate of interest, and the term, not exceeding 40 years, of the proposed bonds.

Precincts

22733. For the purpose of the bond election, the board may divide the district into election precincts and may change the precincts as often as occasion requires.

Election officers

22734. The board shall appoint one inspector, one judge, and two clerks of election in each precinct.

22735. If the board fails to appoint the election officers, or if those appointed are not present at the opening of the polls, the electors present may appoint them and they shall conduct the election.

22736. The board may fix the compensation of the election officers but not exceeding seven dollars ($7) for each election officer.

22737. The polls shall be open on election day from 8 a.m. until 8 p.m.

22738. Every resident of the district, who is a qualified elector of the county, and who is registered in the precinct where the election is held at least 30 days before the election, may vote in the election. Eligibility to vote

22739. The secretary shall obtain uniform ballots for the bond election. No other form of ballot shall be used. The expense of printing and distributing the ballots to the polling places shall be paid as other current expenses of the district are paid. Ballots

22740. The ballot shall contain the following:

(a) "Official ballot provided by the board of directors of the '_____ airport district' to be used in the bond election of said district in the county of_____, State of California, on the _____ day of _____ 19___."

(b) Other matters required by law.

(c) "Bonds—Yes" and "Bonds—No."

22741. The board shall provide a booth or private room in which the voter may prepare his ballot in secret. Voting

22742. No electioneering shall be carried on within 100 feet of the polls.

22743. Each voter shall put a cross ☒ upon his ballot with pencil or ink after the words "Bonds—Yes" or "Bonds—No" to indicate whether he has voted for or against the issuance of the bonds

22744. After marking his ballot the voter shall hand it to the inspector. The inspector, in the presence of the voter, shall deposit the ballot in the ballot box. The judge or clerks shall enter the voter's name on the poll list.

22745. Any person offering to vote may be challenged by any elector of the district. In the case of a challenge the judge or clerks of the election shall administer to the person challenged an oath substantially as follows: "You do swear that you are a citizen of the United States, that you are 21 years of age, that you have resided in this State one year, in this county 90 days, and in this airport district 30 days preceding this election, and that your name is on the great register of this county and was on the great register of a precinct in this airport district at least 30 days before this election, and that you have not before voted this day." If the person challenged takes this oath his vote shall be received. Otherwise his vote shall be rejected Challenge

22746. The secretary shall provide the election officers with official poll and tally lists.

22747. The heading of the poll list shall read "Official poll list of _____ airport district for the airport district bond election on the _____ day of _____ 19___." Under this heading shall be arranged three columns. The heading of the first column shall read "Write your name as it appears on the Poll list

great register of this county." The heading of the second column shall read "Write your residence, street and number, city, and airport district." The heading of the third column shall read "Are you a qualified registered voter in this airport district?" The person offering to vote shall write his name on the first column of the poll list, give his residence in the second, and in the third shall write the word "Yes" or "No." If he writes the word "No" he shall not be permitted to vote. Persons writing the word "Yes" may be challenged pursuant to this article.

Tally list

22748. The heading of the tally list shall read "An official tally list of __ ____ airport district for the airport district bond election held on the _____ day of _____ 19 __." It shall be arranged so that the propositions to be voted on at the election may be set forth. It shall be vertically ruled to provide for the counting of votes under a tally system. The heading of the final column shall read "Total votes cast for the bonds" and "Total votes cast against the bonds." A space shall be provided at the bottom of the page for the signatures of the election officers Over these signatures shall be printed the words "We hereby certify that this is a correct report of the election held in _____ airport district in the county of _____ on the ____ ___ day of _____ 19___."

Vote canvass

22749. The election officers shall publicly canvass the votes immediately after closing the polls. They shall fill out the tally sheet and certify the correctness of the canvass. They shall make, sign, and deliver a certificate of the result of the election and transmit it to the clerk of the board of supervisors.

Transmission and canvass of returns

22750. The election officers shall transmit the returns of the election to the board of directors. The board shall meet and canvass the returns on the seventh day after the election at 2 p.m.

Article 3. Bond Issuance

Certification to board of supervisors

22776. If two-thirds of the votes cast at the election were for the issuance of bonds, the board shall enter that fact in its minutes. The board shall certify all of the board proceedings to the board of supervisors.

Bond issuance

22777. The board of supervisors shall issue the district bonds in the number and amount specified in the bond proceedings. The board of supervisors shall provide that the bonds are payable out of the interest and sinking fund of the district, naming the fund, and that the money for redemption of the bonds and payment of the interest shall be raised by taxation upon the taxable property in the district.

22778. By an order entered in its minutes, the board of supervisors shall:

(a) Prescribe the form of the bonds and of the interest coupons.

(b) The manner in which the bonds shall be executed.

(c) Fix the time when all or any part of the principal of the bonds is payable.

22779. The total amount of bonds issued shall not exceed 15 percent of the taxable property of the district as shown by the last equalized assessment books of the affected counties. Limitations

22780. The term of the bonds shall not exceed 40 years.

22781. The bonds shall be payable in lawful money of the United States as to principal and interest.

22782. The board of supervisors may make the principal and interest of the bonds payable at the office of the treasurer of the principal county, at such other place within the United States as the board may designate, or at the county treasurer's office or such other designated place at the option of the bondholders. The place of payment shall be specified in the bonds. The expense of paying the principal and interest other than at the office of the county is a charge against the district funds, to be paid out of the tax for the payment of the bonds Place of payment

22783. The bonds shall be sold at the times and in the amounts prescribed by the board of supervisors, but for not less than par. Sale of bonds

22784. Before selling all or any part of the bonds, the board of supervisors shall advertise for bids for at least two weeks in a daily or weekly newspaper of general circulation published in the principal county, or if no such newspaper is published in the county, in some newspaper published in another county. Bids

22785. If satisfactory bids are received the bonds offered for sale shall be awarded to the highest bidder. If no bids are received or the board of supervisors determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board of supervisors may reject all bids received and either re-advertise or sell the bonds at private sale.

22786. The proceeds of the sale of the bonds shall be deposited in the treasury of the principal county to the credit of the improvement fund of the district, and may be withdrawn for the purposes for which the bonds were voted as other district money is withdrawn. Proceeds

Article 4. Cancellation of Unsold Bonds

22811. If any bonds remain unsold for six months after having been offered for sale, the board of directors of the district for which the bonds were issued or of a district containing any territory which at the time of the bond election was embraced within the district for which the bonds were issued, may petition the board of supervisors to cause the unsold bonds to be withdrawn from the market and canceled. Petition to cancel unsold bonds

22812. Upon receiving a petition signed by a majority of the members of the board of directors, the board of supervisors shall fix a time for hearing the petition. The hearing shall be held not more than 30 days after receipt of the petition. Hearing

22813 The board of supervisors shall publish a notice stating the time and place of the hearing and the object of the petition in general terms, for 10 days prior to the date of hearing in a newspaper published in the district if there is one, and if there Publication of notice

is none, in a newspaper published at the county seat of an affected county.

Cancellation

22814. At the time and place designated in the notice, or at any subsequent time to which the hearing is postponed, the board of supervisors shall hear any reason that may be submitted for or against the granting of the petition. If the board of supervisors deems it for the best interest of the district named in the petition that the unsold bonds be canceled, it shall make and enter an order in its minutes that the unsold bonds are canceled. Thereafter the bonds and the vote by which they were authorized to be issued have no validity whatever.

CHAPTER 6. TAXATION

"Board of supervisors"

22901. As used in this chapter, "board of supervisors" means the board of supervisors of the principal county.

Estimate of money required to pay indebtedness

22902. If the revenues of the district are inadequate to pay the interest or principal of the bonded indebtedness of the district as it becomes due, or to pay any other expenses of or claims against the district, the board of directors shall transmit to the board of supervisors and the county auditor a written estimate of the minimum amount of money required for the payment of the principal and interest of the bonded indebtedness as it becomes due, and of the minimum amount of money required by the district for any other purpose.

22903. The board shall transmit the estimates to the board of supervisors and the county auditor at least 15 days before the first day of the month in which the board of supervisors is required to levy taxes for county purposes.

Levying of tax

22904. Annually, after receiving the estimates, the board of supervisors shall levy a tax sufficient for the payment of the principal and interest on the bonded indebtedness, designated as the "___ ___ airport bond tax," and a tax sufficient for the payment of all other expenses of, and claims against, the district, designated as the "_____ airport district tax."

The bond tax shall be levied annually until the bonded indebtedness is fully paid. The district tax shall be levied annually until all other expenses of and claims against the district are fully paid.

Sufficiency of tax

22905. The bond tax shall be sufficient to pay the interest on the bonds for the year and the portion of the principal becoming due during the year. The bond tax shall also be sufficient to raise annually for the first half of the term of the bonds a sum sufficient to pay the interest for that period, and, during the balance of the term, sufficient to pay the annual interest and to pay annually a proportion of the principal equal to the amount produced by dividing the total amount of outstanding bonds by the number of years the bonds then have to run.

Tax proceeds

22906. The proceeds of the bond tax shall be paid into the treasury of the principal county to the credit of the district interest and sinking fund and shall be used only for the payment of the principal and interest on the bonds. The treasurer of the

principal county shall pay the principal and interest on the bonds upon the warrant of the auditor of the principal county out of this fund. The county auditor shall cancel and retain the bonds and coupons when he draws his warrants on the treasurer in favor of the owners.

22907. The rate of the district tax levied in any one year shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation of the real and personal property in the district, exclusive of the bond tax. Limitation

22908. The bond and district taxes shall be levied on all the taxable property in the district. They shall be levied by the board of supervisors and collected by the tax collector of the principal county at the time and in the manner and form as county taxes are levied and collected. The proceeds of the taxes shall be paid to the district. The taxes become delinquent at the same time as county taxes and bear the same penalties for delinquency. The taxes are a lien on all taxable property in the district, have the same force and effect as liens for county taxes, and their collection shall be enforced by the same means as liens for county taxes. Collection etc., of tax

CHAPTER 7. EFFECT OF ALTERATIONS OF DISTRICT BOUNDARIES

22951. When districts are created or abolished or their boundaries changed, the liability to taxation for the outstanding bonded indebtedness shall be as prescribed by this chapter. The authority whose duty it is to levy taxes for the payment of the bonded indebtedness shall levy the taxes upon the districts affected in the proportion prescribed by this chapter. Effect of alterations of district boundaries

22952. When a district is united or in any manner merged with other districts to form a single district, the district so formed is liable for all the outstanding bonded indebtedness of the districts united or merged. Merger, etc

22953 When territory is taken from one district and annexed to another, the territory annexed is liable to taxation for the bonded indebtedness of the district to which it is annexed. The board of supervisors of the county in which the territory is situated, by order entered on its minutes within 60 days after the change, shall determine what proportion of the outstanding bonded indebtedness of the district from which the territory was taken was incurred for the acquisition or improvement of the real property or buildings, equipment, fixtures, or improvements situated in the territory so transferred. The district to which the territory is annexed is liable for that proportion of the indebtedness. Annexation

22954. When a new district is formed from a portion of the territory of existing districts, the board of supervisors of the principal county of the new district, by order entered on its minutes within 60 days after the formation of the new district, shall determine what proportion of the outstanding bonded indebtedness of the districts from which the new district is New district

formed was incurred for the acquisition or improvement of real property, buildings, equipment, or fixtures situated in the new district. The new district is liable for that proportion of the indebtedness.

CHAPTER 8. DISSOLUTION

Dissolution Method

22975. The district may be dissolved at any time upon the vote of two-thirds of the qualified electors of the district at an election called by the board upon the question of dissolution.

22976. The election shall be called and conducted in the same manner as district elections other than bond elections.

Effect

22977. Upon the dissolution of the district, the property of the district lying within a city shall vest in the city and the property of the district lying within the unincorporated area of a county shall vest in the board of supervisors of that county.

Effect on bonded indebtedness

22978. If the district has any outstanding bonded indebtedness at the time of the election for dissolution, the vote to dissolve the district shall dissolve it for all purposes except for the levying and collection of taxes for the payment of the indebtedness, the payment of the expenses of assessing, levying, and collecting the taxes, and the expenses of maintaining the property of the district in good order and repair.

22979. Until the bonded indebtedness and the interest is fully paid the legislative authority of the city when the property of the district lies wholly within the city, and in all other cases the board of supervisors of the principal county is ex officio the board of directors of the district. The board or legislative authority shall levy the taxes and perform such other acts as are necessary to raise money for the payment of the indebtedness and the interest, and for the purpose of maintaining the property of the district in good order and repair. The board or legislative authority shall fulfill and compel fulfillment of all contracts made by the district and shall maintain and protect all rights acquired by the district.

Repeals

SEC. 2. The following acts are repealed:

Year	Chapter	Page
1929	847	1857
1947	1379	2927

CHAPTER 152

An act to codify Chapter 330 of the Statutes of 1935, relating to alcoholic beverages, by adding Division 9 to the Business and Professions Code, and repealing Chapter 330 of the Statutes of 1935.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Division 9 is added to the Business and Professions Code, to read:

DIVISION 9. ALCOHOLIC BEVERAGES

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

23000. This division shall be known and may be cited as the "Alcoholic Beverage Control Act." Short title

23001. This division is an exercise of the police powers of the State for the protection of the safety, welfare, health, peace, and morals of the people of the State, to eliminate the evils of unlicensed and unlawful manufacture, selling, and disposing of alcoholic beverages, and to promote temperance in the use and consumption of alcoholic beverages. It is hereby declared that the subject matter of this division involves in the highest degree the economic, social, and moral well-being and the safety of the State and of all its people. All provisions of this division shall be liberally construed for the accomplishment of these purposes. Purpose Liberal construction

23002. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this division.

23003. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced. Definitions

23004. "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

23005. "Distilled spirits" means an alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

23006. "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer but does not include sake, known as Japanese rice wine.

23007. "Wine" means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 percent added flavoring, coloring, and blending material and which contains not more than 24 percent of alcohol by volume, and includes vermouth and sake, known as Japanese rice wine.

Nothing contained in this section affects or limits the power, authority, or duty of the Department of Public Health in the

enforcement of the laws directed toward preventing the manufacture, production, sale, or transportation of adulterated, misbranded, or mislabeled alcoholic beverages, and the definition of "wine" contained in this section is limited strictly to the purposes of this division and does not extend to, or repeal by implication, any law preventing the production, manufacture, sale, or transportation of adulterated, misbranded, or mislabeled alcoholic beverages.

Same

23008. "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

23009. "Licensee" means any person holding a license issued by the board.

23010. "Taxpayer" means a person liable for the payment of a tax pursuant to this division.

23011. "Salesman" means any individual who solicits or receives an order for alcoholic beverages from any licensee.

23012 "Beer manufacturer" means any person engaged in the manufacture of beer.

23013. "Wine grower" means any person engaged in the production of wine, except that any person who produces not to exceed 200 gallons of wine per year for his own consumption shall not, because of such production, be considered a wine grower within the meaning of this division.

23014 "Brandy manufacturer" means any person engaged in the manufacture of brandy only and not in the manufacture of any other distilled spirits.

23015 "Distilled spirits manufacturer" means any person who produces distilled spirits from naturally fermented materials or in any other manner.

23016. "Rectifier" means every person who colors, flavors, or otherwise processes distilled spirits by distillation, blending, percolating, or other processes.

23017. "Importer" means:

(a) Any consignee of alcoholic beverages brought into this State from without this State, when the alcoholic beverages are for delivery or use within this State.

(b) Any person, except a public warehouse licensed under this division, to whom delivery is first made in this State of alcoholic beverages brought into this State from without this State for delivery or use within this State.

(c) Any person, licensed as an importer, selling alcoholic beverages to nonlicensees within an area over which the United States Government exercises jurisdiction, when delivery of the alcoholic beverages is made to the nonlicensees by a common carrier transporting the alcoholic beverages from a point outside this State.

(d) Any person bringing alcoholic beverages into this State from without this State which are not consigned to any person and which are for delivery or use within this State.

A person licensed as a customs broker who is acting as an agent for a licensed importer or for another person whose place of business is without the State shall not be deemed to be the importer of alcoholic beverages consigned in United States internal revenue bond or in United States customs bond to the licensed customs broker.

23018. "Exporter" means any person who sells, delivers, or consigns alcoholic beverages located within this State for delivery, use, or sale without the State. Same

23019. "Customs broker" means every person who is authorized to act as agent or broker for a person licensed as an importer or for a person whose place of business is without the State, in regard to the importing of alcoholic beverages into the State in United States internal revenue bond or in United States customs bond.

23020. "Wine broker" means every person, other than a salesman who is regularly employed by a licensee, who engages as an agent in the sale or purchase of wine for or on behalf of another or others for a fee or commission.

23021. "Wholesaler" means every person other than a manufacturer, wine grower, or rectifier who is engaged in business as a jobber or wholesale merchant, dealing in alcoholic beverages.

23022. "Industrial alcohol dealer" means a person who sells alcohol or distilled spirits in packages of more than one gallon for use in the trades, professions, or industries, but not for beverage use

23023 "Retailer" means any on- or off-sale licensee.

23024. "Retailer's on-sale license" means on-sale beer licenses, on-sale beer and wine licenses, on-sale general licenses, and on-sale general licenses for seasonal businesses.

23025. "Sell" or "sale" and "to sell" includes any transaction whereby, for any consideration, title to alcoholic beverages is transferred from one person to another, and includes the delivery of alcoholic beverages pursuant to an order placed for the purchase of such beverages and soliciting or receiving an order for such beverages, but does not include the return of alcoholic beverages by a licensee to the licensee from whom such beverages were purchased.

23026 "Retail sale" or "sale at retail" means the sale by an on- or off-sale licensee for consumption and not for resale.

23027. "Wholesale sale" or "sale at wholesale" means a sale to any licensee for purposes of resale.

23028. "Package" means any container or receptacle used for holding alcoholic beverages which is corked or sealed with a stub, stopper, cap, or in any other manner.

23029. "Case" or "original case" means a standard box or carton as packed by the manufacturer or wine grower in which packages of alcoholic beverages are shipped or transferred.

23030. "To bottle" or "to package" means to bottle, barrel, or otherwise place alcoholic beverages in a container.

Same

23031. "Gallon" or "wine gallon" means that liquid measure containing 231 cubic inches.

23032. "Proof spirits" means that alcoholic liquor which contains one-half of its volume of pure ethyl alcohol of a specific gravity of 0.7939 at 60 degrees Fahrenheit, referred to water at 60 degrees Fahrenheit as unity.

23033. "Proof gallon" means a gallon of proof spirits or an equivalent amount of alcohol.

23034. "Still" means a still used in the production, or capable of being used in the production, of alcoholic beverages, and does not include stills or apparatus used solely in the production of distilled water or substances other than alcoholic beverages.

23035. "Private warehouse" means any place maintained by a licensee, other than his licensed premises, for the storage but not for the sale of alcohol or alcoholic beverages owned by the licensee.

23036. "Public warehouse" means any place licensed for the storage of, but not the sale of, alcohol or alcoholic beverages for the account of other licensees and includes United States custom bonded warehouses and United States internal revenue bonded warehouses when the bonded warehouses are used for storage of alcoholic beverages for the account of another licensee.

23037. "Club" means a corporation or association which is the owner, lessee, or occupant of an establishment operated solely for objects of a social or athletic nature but not for pecuniary gain, having a bona fide membership list, and the majority of the members of which pay dues at least once in every year, and the property as well as the advantages of which belong to the members.

23038. "Hotel," "restaurant," "cafe," "cafeteria," or "other public eating place" means premises maintained and operated in good faith for selling and serving meals to the public for consumption upon the premises.

23039. "Public bar," "public saloon," or "public barroom" means premises maintained and operated for the selling or serving of alcoholic beverages, other than beer, to the public for consumption on the premises, and which are not equipped and maintained for the sale and service of meals to the public, and in which meals are not actually sold and served to the public.

23040. "Within this State" means all territory within the boundaries of this State.

23041. "Without the State" means all territory without the boundaries of this State.

23042. "Board" means the State Board of Equalization.

23043. "State Liquor Administrator" means the Chief of the Alcoholic Beverage Control Division, and he shall have the power and duties which this division provides shall be exercised by him and which may be assigned to him by the board.

23044. "License" means a license authorized to be issued by the board pursuant to this division.

CHAPTER 2. AUTHORIZED UNLICENSED TRANSACTIONS AND EXEMPTIONS

23100. Any person in possession of a stock of lawfully acquired alcoholic beverages following the revocation or voluntary surrender of, or failure to renew, his license may sell the stock, under supervision of the board in such manner as the board by rule provides, to licensees authorized to sell the alcoholic beverages. After surrender etc., of license

23101. Any bank, trust company, or financial institution owning or possessing warehouse receipts for alcoholic beverages, which warehouse receipts were acquired by the bank, trust company, or financial institution as security for a loan, may, after permission has been given by the board, sell the warehouse receipts to a licensee authorized to sell such alcoholic beverages or such warehouse receipts. Possessor of warehouse receipts

23102. Any person acting as administrator, executor, or guardian of the estate of a retail licensee, as receiver for a retail licensee, as trustee of the bankrupt estate of a retail licensee, or as assignee for the benefit of creditors of a retail licensee, may, after receiving permission from the board, sell and deal in alcoholic beverages under authority of the license issued to the retail licensee for a period not exceeding 45 days from the date of the appointment of the person as administrator, executor, guardian, receiver, trustee, or assignee for the benefit of creditors. Administrators etc

23103. The administrator, executor, or guardian of the estate, or receiver, or assignee for the benefit of creditors, or trustee of the bankrupt estate of a licensee other than a retail licensee, may, after receiving the permission of the board, on such terms and conditions as the board prescribes, operate under the license issued to the licensee, pending transfer of the license to such person, for a period not exceeding 45 days. The terms and conditions prescribed by the board shall include the filing of an appropriate bond under the applicable provisions of this division conditioned upon the payment of all excise taxes, penalties, and interest assessed against or imposed upon such persons in those cases in which such persons are liable for the payment of excise taxes, penalties, and interest under the provisions of this division.

23104. Any insurance company may, or any common carrier acting as an insurer for losses to persons shipping alcoholic beverages may, after permission has been granted by the State Liquor Administrator, take possession of and sell any alcoholic beverages the containers of which have been damaged by fire or otherwise to licensees authorized to sell the alcoholic beverages. Any licensee so qualified may purchase and accept delivery of the alcoholic beverages from the insurance company or common carrier so authorized to sell. This permission extends only to alcoholic beverages owned by a licensee and insured against loss Insurance company, etc

or damage by the insurance company or common carrier applying for the permission.

Warehouseman

23105. In accordance with rules prescribed by the board, a warehouseman may sell alcoholic beverages to enforce the lien provided for by the Warehouse Receipts Act only to licensees authorized to sell the alcoholic beverages Notice of the time and place of the sale shall be given to the board prior to the sale

Storage of wine, etc

23106. (a) Wine stored in a winery, wine storeroom, or field warehouse bonded under the internal revenue laws of the United States and brandy in bulk stored in an internal revenue bonded warehouse may be stored by or for any licensee without the necessity of any license by the person furnishing or providing the storage space.

(b) Beer and wine upon which excise taxes have been paid to the State at the rate fixed under this division, may be stored by or for any licensee in any private or public warehouse or elsewhere in this State without the necessity of any license by the person furnishing or providing the storage space or any special additional license by the licensee.

(c) Any other alcoholic beverage may, without the necessity of any additional license, be stored by or for a licensee in private warehouses approved by the board, if within the limits of the county in which the licensee's licensed premises are located, or in a public warehouse within that county, or may be stored in bond in a public warehouse outside that county if the public warehouse is also a United States customs bonded warehouse, a United States internal revenue bonded warehouse, or United States bonded storeroom.

Export

23107. Any person may, in accordance with rules prescribed by the board, purchase and take delivery of alcoholic beverages within this State for delivery or use without the State and may, without obtaining any license in this State, export the alcoholic beverages from this State within 30 days from the date of the purchase.

23108. Licensees of other states may purchase bulk brandy produced in this State and stored in an internal revenue bonded warehouse in this State or may purchase warehouse receipts covering the brandy for storage in this State, and may subsequently, without obtaining any license therefor in this State, export the brandy in accordance with the rules prescribed by the board. The sale of brandy or warehouse receipts pursuant to this section by a taxpayer to the purchasing licensee of another state shall be exempt from the excise tax levied by Section 24465.

Beverages in transit

23109. Alcoholic beverages in continuous transit through this State are exempt from the provisions of this division only while in continuous transit through this State in the possession or custody of common carriers. The board may require affidavits of any person on forms prescribed by the board and may require any such shipments to be checked in and checked out at the

boundaries of the State. Any person refusing to make the affidavits required or refusing to check in or check out the alcoholic beverages is guilty of a misdemeanor.

23110. This division does not apply to the manufacture, sale, or use of completely denatured ethyl alcohol or special denatured ethyl alcohol, as these substances are defined in the various statutes and regulations of the United States Government relating thereto. *Denatured ethyl alcohol*

23111. Nothing in this division prevents or restricts the use of tax-free ethyl alcohol under regulation of the Treasury Department of the United States Government by any governmental agency, state or federal, or by any scientific university or college of learning or any laboratory for use exclusively in scientific research, or by any hospital or sanitarium. *Tax-free ethyl alcohol*

23112. Nothing in this division prevents or restricts the use of tax-free alcohol or of industrial alcohol or other distilled spirits or wine under regulation of the United States Government in the manufacture of any of the following products, if the products are unfit for beverage use: *Same Permitted use*

(a) Medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by registered pharmacists.

(b) Toilet products.

(c) Flavoring extracts.

(d) Sirups.

(e) Food products.

(f) Scientific, chemical, or industrial products.

23113. Alcohol sold for the uses mentioned in Section 23111 may be sold tax-free in packages of not less than one-half pint capacity. Alcohol sold to a registered pharmacist for use in compounding prescriptions as provided in Section 23112 may be sold to the pharmacist in packages of not less than one-half pint capacity if the distilled spirits excise tax is reported and paid by the licensee selling the alcohol to the pharmacist. *Same Minimum quantity*

The sales of alcohol authorized to be made by this section may be made by those licensees who are authorized to sell alcohol for use in the trades, professions, or industries.

CHAPTER 3. LICENSES AND FEES

Article 1. In General

23300. No person shall exercise the privilege or perform any act which a licensee may exercise or perform under the authority of a license unless the person is authorized to do so by a license issued pursuant to this division. *Requirement of license*

23301. Any person violating Section 23300 is guilty of a misdemeanor, except that any person, without having a still license, exercising the privileges or performing any act which a still licensee may exercise or perform is guilty of a felony. *Penalties Misdemeanor, felony*

Article 2. Fees

Fees

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

(1)	Beer manufacturer's license	$750.00 per year
(2)	Wine grower's license (to be computed only on the gallonage produced), 5,000 gallons or less	20.00 per year
	Over 5,000 gallons to 20,000 gallons per year	40.00 per year
	Over 20,000 to 100,000 gallons per year	75.00 per year
	Over 100,000 to 200,000 gallons per year	100.00 per year
	Over 200,000 gallons to 1,000,000 gallons a year	150.00 per year
	For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	100.00 per year
(3)	Brandy manufacturer's license	150.00 per year
(4)	Distilled spirits manufacturer's license	250.00 per year
(5)	Distilled spirits manufacturer's agent's license	250.00 per year
(6)	Still license	10.00 per year per still
(7)	Rectifier's license	250.00 per year
(8)	Wine rectifier's license	250 00 per year
(9)	Beer bottling or packaging license	500.00 per year
(10)	Beer and wine importer's license	No fee
(11)	Brandy importer's license	No fee
(12)	Distilled spirits importer's license	No fee
(13)	Public warehouse license	10.00 per year
(14)	Customs broker's license	50.00 per year
(15)	Wine broker's license	50 00 per year
(16)	Beer and wine wholesaler's license	50.00 per year
(17)	Distilled spirits wholesaler's license	250.00 per year
(18)	Industrial alcohol dealer's license	50.00 per year
(19)	Retail package off-sale beer and wine license	10.00 per year
(20)	Retail package off-sale general license for the first $10,000 retail sales of distilled spirits per year	110.00 per year
	For each $1,000 or fraction thereof of retail sales of distilled spirits over $10,000 per year	10.00 per year
	But not exceeding in all the maximum of	750.00 per year
(21)	On-sale beer license	25.00 per year
(22)	On-sale beer and wine license	75.00 per year
(23)	On-sale beer and wine license for trains (per train)	15.00 per year

(24) On-sale beer and wine license for boats (per boat)	$50.00 per year
(25) On-sale general license plus an additional fee as set by the board for the distilled spirits privileges	75.00 per year
(26) On-sale general license for seasonal business plus an additional fee as set by the board for the distilled spirits privileges	18.75 per quarter year

23321. In fixing license fees for on-sale general licenses, the board may place common carrier boats and trains in a separate classification or separate classifications, and fix different or lesser license fees for boats or for trains than those fixed for other on-sale general licenses, giving consideration to the limited number of possible customers on boats or on trains and the limited number of hours within which it is practicable to exercise the license on a boat or on a train

Fees on boats and trains

23322. The fees specified in Sections 23320 and 23321 shall be reduced 25 percent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date on which the application for the license is filed with the board; except that when an application clearly indicates that the applicant does not desire to exercise the privileges granted by the license applied for until on or after the beginning of the quarterly period following the quarterly period in which the application is filed with the board, such fees shall be reduced 25 percent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date so indicated in the application. In no event shall any license, other than a temporary on-sale beer or wine license, be issued for any period for a fee less than one-half of the annual license fee.

Fee reduction

23323. The provisions of Section 23322 do not restrict the power of the board to make the refunds authorized by Section 23960.

Refund power not restricted

23324. When the fee for any license is graduated according to the amount of alcoholic beverages sold under the license, and the license is applied for after the beginning of the license year, the amount of alcoholic beverage authorized to be sold under the license shall be reduced proportionately with the reduction in fee provided in Section 23322 in accordance with such rules and regulations as the board may prescribe.

Graduated fee Authorized amount reduced

23325. When the fee for any license is graduated according to the amount of alcoholic beverages produced under the license, the license fee shall be determined solely upon the gallonage produced, even though the license is applied for after the beginning of the license year.

23326. Off-sale general licensees shall report quarterly at such time and in such manner as the board may prescribe the

Off-sale general licensee's report

amount of distilled spirits sold during the preceding quarter. If any report shows that the total amount of distilled spirits sold during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall accompany the report with such additional license fee as may be unpaid in accordance with the schedule provided in Section 23320. If any off-sale general licensee for any reason quits business, he shall within 15 days after the date of quitting business make a final report and payment of any additional license fee disclosed by his report or by an investigation by the board to be unpaid.

Wine growers' report

23327. Persons holding wine growers' licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine produced by them during the fiscal year.

If the total amount of wine produced during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in Section 23320.

Delinquent licensee

23328. If a licensee neglects or refuses to make a report as required by sections 23326 and 23327, the board shall make an estimate based upon any information in its possession, or that may come into its possession, of the amount of the retail sales of distilled spirits or of wine produced, as the case may be, of the delinquent licensee for the periods with respect to which he failed to make a report and, upon the basis of the estimated amount, compute and assess the additional license fees payable by the delinquent licensee. An assessment may be made of the amount of license fees due for more than one period. The board shall give the delinquent licensee written notice of the estimated license fee.

Additional assessment

23329. If the board is not satisfied with a report required to be filed by Sections 23326 and 23327, it may make an additional assessment of license fees due based upon the facts contained in the report or upon any information within its possession, or that comes into its possession. An additional assessment may be made of the license fees for more than one period In making an additional assessment the board may offset overpayments for periods against underpayments for other periods. The board shall give the licensee written notice of the additional assessment.

Petition for reassessment

23330. Any licensee against whom an assessment is made by the board pursuant to Sections 23328 or 23329 may petition for reassessment within 15 days after service upon the licensee of notice of the assessment. If a petition for reassessment is not filed within the 15-day period, the amount of the assessment becomes final at the expiration thereof.

Same Hearing

23331. If a petition for reassessment is filed within 15 days, the board shall reconsider the assessment and, if the licensee has so requested in his petition, shall grant the licensee an oral hearing and give the licensee 10 days' notice of the time and place of hearing. The board may continue the hearing from time to time

as may be necessary. The board may decrease or increase the amount of the assessment. The amount of the assessment may be increased, however, only if a claim for the increase is asserted by the board at or before the hearing.

23332. The order or decision of the board upon a petition for reassessment becomes final upon service upon the licensee of notice of the order or decision. All assessments made by the board in regard to license fees become due and payable at the time they become final. Board's decision final

Article 3. Rights and Obligations of Licensees

23355. Except as otherwise provided in this division and subject to the provisions of Section 22 of Article XX of the Constitution, the licenses provided for in Article 2 of this chapter authorize the person to whom issued to exercise the rights and privileges specified in this article and no others at the premises for which issued during the year for which issued. Licensee's rights, etc

23356 Any manufacturer's or wine grower's license authorizes the person to whom issued to do any of the following: Manufacturer's, etc., license

(a) To become a manufacturer or producer of the alcoholic beverage specified in the license.

(b) Whether manufactured or produced by him or any other person, to package, rectify, mix, flavor, color, label, and export the alcoholic beverage specified in the license.

(c) To sell only such alcoholic beverages as are packaged by or for him only to persons holding wholesaler's, manufacturer's, wine grower's, manufacturer's agent's, or rectifier's licenses authorizing the sale of such alcoholic beverages and to persons who take delivery of such alcoholic beverages within this State for delivery or use without the State.

(d) To deal in warehouse receipts for the alcoholic beverage specified in the license.

23357. Licensed beer manufacturers may also sell beer to any person holding a license authorizing the sale of beer. Beer manufacturers

23358. Licensed wine growers may also sell wine to any person holding a license authorizing the sale of wine and may also sell wine to consumers in quantities of 52 gallons or less per sale for consumption off the premises where sold. Wine growers

23359. A wine grower's license also authorizes the manufacture of grape brandy to be used exclusively in the production of wine by its holder on the premises for which issued and also the sale of grape brandy to licensed wine growers to be used exclusively in the production of wine.

23360. Licensed brandy manufacturers may also sell brandy to any person holding a license authorizing the sale of brandy. Brandy manufacturers

23361. A person holding a brandy manufacturer's license may sell grape brandy, fruit brandy, or spirits of wine to licensed wine growers for use by the latter in the production of wine and the production or manufacturing of alcohol for the United States Government only, and not for beverage purposes.

23362. Notwithstanding any other provisions of this division, a licensed wine grower or brandy manufacturer may be

issued and may hold an off-sale general license for the premises for which he holds a wine grower's or brandy manufacturer's license and for any branch office maintained by the wine grower or brandy manufacturer.

Distilled spirits manufacturer

23363. Any licensed manufacturer of distilled spirits originally distilled in this State may sell them to any person holding a license authorizing the sale of distilled spirits.

23364. All provisions of this division relating to the sale and delivery of distilled spirits from distilled spirits wholesalers or rectifiers to on- or off-sale licensees, all provisions of this division imposing an excise tax upon the sale of distilled spirits, and all provisions of this division relating to distilled spirits excise tax procedure apply to distilled spirits manufacturers when making sales, authorized by this division, of distilled spirits produced in this State to on- or off-sale licensees.

23365 No corporation engaged in the manufacture of distilled spirits shall, directly or indirectly, through affiliates, subsidiaries, or otherwise, distribute distilled spirits to its stockholders by dividend, either by distribution in kind or the granting of purchase privileges. This section does not restrict the sale of alcoholic beverages to persons holding manufacturer's, distilled spirits manufacturer's agent's, rectifier's, or wholesaler's licenses.

Distilled spirits manufacturer's agent's license

23366. A distilled spirits manufacturer's agent's license authorizes any of the following:

(a) The possession of distilled spirits in public or private warehouses.

(b) The exportation of distilled spirits.

(c) The cutting, blending, mixing, flavoring, and coloring of distilled spirits for his own account or for the account of a distilled spirits manufacturer, manufacturer's agent, rectifier, or wholesaler.

(d) Whether cut, blended, mixed, flavored, or colored by him, or any other person, the packaging and the sale or delivery of distilled spirits only to holders of distilled spirits manufacturer's, rectifier's, or distilled spirits wholesaler's licenses.

A person need not actually engage in the cutting, blending, or bottling of distilled spirits in order to qualify for a distilled spirits manufacturer's agent's license.

Still license

23367. A still license authorizes the person to whom issued to own or possess the number of stills indicated in the license upon the premises for which issued

Rectifier's license

23368. A rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor, and color distilled spirits and wine upon which the excise tax imposed by this division has been paid, and, whether so cut, blended, mixed, flavored, or colored by him or any other person, to package, label, export, and sell the products to persons holding licenses authorizing the sale of distilled spirits.

23369. In order to qualify for a rectifier's license, a person shall actually be engaged at the time the license is issued or renewed, or within 30 days thereafter, in the bottling of distilled

spirits owned by him. The distilled spirits owned by him shall comprise at least 50 percent of the total distilled spirits bottled by him.

23370. Nothing in Sections 23368 and 23369 prohibits the issuance of a distilled spirits manufacturer's agent's license to any person who is engaged in the bottling of distilled spirits owned solely by other manufacturer's agents, rectifiers, wholesalers, or manufacturers.

23371. A rectifier who also performs the functions of a distilled spirits wholesaler shall comply with all the provisions of this division applicable to a holder of a distilled spirits wholesaler's license.

Wine rectifier

23372. A wine rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor, or color wine upon which the excise tax imposed by this division has been paid, and whether so cut, blended, rectified, mixed, flavored, or colored by him, or any other person, to package, label, export, and sell the products to persons holding licenses issued by the board authorizing the sale of wine. The holder of a wine rectifier's license may apply for and hold a wine importer's license, a distilled spirits manufacturer's license, or a distilled spirits manufacturer's agent's license. A wine rectifier's license shall not be issued to or held by the holder of a retail off-sale or retail on-sale license.

Bottling etc. license

23373. A bottling or packaging license authorizes the labeling, bottling, or packaging of the alcoholic beverages specified in the license.

Importer's license

23374. Any importer's license authorizes the person to whom issued to become an importer of alcoholic beverages specified in the license, to export the alcoholic beverages, and to transfer the beverages to himself under another license.

Public warehouse license

23375. A public warehouse license authorizes the storage of alcoholic beverages for the account of another licensee, including storage in a United States customs bonded warehouse, a United States internal revenue bonded warehouse, and a United States bonded storeroom.

Custom broker's license

23376. A customs broker's license authorizes the transfer to licensed importers of alcoholic beverages brought into the State in United States internal revenue bond or in United States customs bond and the exportation of the alcoholic beverages. The holder of a customs broker's license may receive delivery of, possess, export, and transfer to licensed importers such alcoholic beverages as are brought into this State in United States internal revenue bond or customs bond. Such a license also authorizes the possession and exportation of alcoholic beverages acquired from licensed manufacturers or wine growers for export.

Wine broker's license

23377. A wine broker's license authorizes the person to whom issued to act as a wine broker, for a fee or commission, in the purchase of wine for or on behalf of a person within or without this State authorized to buy wine for purposes of resale and in the sale of wine for or on behalf of a person, other than a

retail licensee, licensed to sell wine within the State. A wine broker shall not buy or sell any wine for his own account, take or deliver title to wine, or receive or store any wine in his own name in this State. A wine broker shall not offer to sell, agree to offer to sell, or sell any wine unless he first has a bona fide authorization to do so from a person, other than a retail licensee, licensed to sell wine in this State. A wine broker shall not offer to buy, agree to buy, agree to offer to buy, or buy any wine unless he first has a bona fide authorization to do so from a person within or without this State authorized to buy wine for purposes of resale. The exercise of the privileges granted by the wine broker's license are subject to such rules and conditions as the board deems necessary and proper.

Wholesaler's license

23378. Any wholesaler's license authorizes the sale of the alcoholic beverage specified in the license only to persons holding licenses issued by the board authorizing the sale of the alcoholic beverage, and authorizes the exportation of the alcoholic beverage.

23379. A beer and wine wholesaler's license also authorizes the labeling, bottling, or packaging of wine in accordance with and subject to the rules of the State Department of Public Health. A beer and wine wholesaler's license shall not permit the sale or delivery of wine to consumers in containers supplied, furnished, or sold by the consumer.

Industrial alcohol dealer's license

23380. An industrial alcohol dealer's license authorizes the sale of undenatured ethyl alcohol in packages of more than one gallon for use in the trades, professions, or industries and not for beverage consumption.

Certain licenses. Authorizations

23381. Any manufacturer's, wine grower's, manufacturer's agent's, rectifier's or wholesaler's license authorizes the licensee to:

(a) Deal in warehouse receipts, for the kind of alcoholic beverages which the licensee is authorized to sell, with other licensed manufacturers, wine growers, distilled spirits manufacturer's agents, rectifiers, or wholesalers who are authorized to sell the kind of alcoholic beverages covered by the warehouse receipt.

(b) Sell warehouse receipts for brandy produced in this State to licensees of other states who are authorized to deal in brandy, for the purpose of storage of the brandy covered by the warehouse receipts in internal revenue bonded warehouses in this State for subsequent export to another state.

Nothing in this division prohibits the sale of a warehouse receipt for alcoholic beverages by any other person, in accordance with rules adopted by the board, to manufacturers, wine growers, manufacturer's agents, rectifiers, and wholesalers licensed to sell the kind of alcoholic beverages covered by the warehouse receipt when the warehouse receipt was acquired by the person prior to May 1, 1941.

Sale of warehouse receipt

23382. An offer or agreement to sell distilled spirits, which at the time of the offer or agreement are stored in containers larger

than one gallon capacity and the ownership of which is represented by a warehouse receipt, shall be deemed a sale of a warehouse receipt.

Further authorizations

23383. Any manufacturer's, wine grower's, manufacturer's agent's, importer's, rectifier's, or wholesaler's license also authorizes the transfer of title to the alcoholic beverages specified in the license to other licensed manufacturers, wine growers, manufacturer's agents, importers, rectifiers, and wholesalers when the alcoholic beverages are in storage in a licensed public warehouse, United States customs bonded warehouse, United States internal revenue bonded warehouse, or United States bonded storerooms located at any place within the State without any additional or other license therefor. Such licenses also authorize the sale of alcoholic beverages specified in the license to persons who, under such procedure as shall be established by the board, take delivery of the alcoholic beverages in this State for delivery or use without the State.

Sale to military reservations, etc

23384. Any licensed beer manufacturer, wine grower, brandy manufacturer, rectifier, or wholesaler may, in addition to the other privileges exercised under his license and in accordance with rules prescribed by the board, sell tax-paid alcoholic beverages mentioned in the license of the licensee to nonlicensees having a fixed place of business or residence upon territory within this State which is maintained by the United States Government as a military or naval reservation or national park.

Nonbeverage use

23385. Any distilled spirits manufacturer's or brandy manufacturer's license and any rectifier's license authorizes the sale, in conformity with United States internal revenue laws and regulations, of the distilled spirits authorized to be sold by the license in packages larger than one gallon for use in the trades, professions, or industries and not for beverage use.

Free samples

23386. Any manufacturer's, wine grower's, manufacturer's agent's, rectifier's, importer's, or wholesaler's license also authorizes the giving away of samples of the alcoholic beverages which are authorized to be sold by the license under such rules as shall be prescribed by the board. A retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages.

For use without the State

23387. In addition to the other privileges exercised under a wholesaler's or rectifier's license, a wholesaler or rectifier may sell the alcoholic beverages mentioned in his license to persons who take delivery of the alcoholic beverages within this State for delivery or use without the State within 30 days from the date of the sale in accordance with rules prescribed by the board.

Beer wagons, etc

23388. A licensed beer manufacturer or a licensed beer wholesaler, in addition to selling beer at his licensed premises, may sell beer from wagons or trucks operated by him to licensees authorized to sell beer.

Duplicate license Beer manufacturers

23389. A licensed beer manufacturer may sell and deliver beer from branch offices located away from his place of manufacture and exercise all his license privileges, other than manufacture, at or from the branch offices. The board shall upon request issue to a beer manufacturer a duplicate of his original license which shall authorize the maintenance and operation of each branch declared and designated by him, upon the payment for each duplicate of an amount equal to the license fee payable for a like period for a wholesale beer and wine license.

Same Wine growers, etc

23390. A licensed wine grower or brandy manufacturer, in addition to exercising all the privileges of his license at his licensed premises, may exercise all his license privileges at or from branch offices or warehouses, or United States bonded storerooms located away from his place of production or manufacture, other than production or manufacture and the sale or delivery of wine to consumers in containers supplied, furnished, or sold by the consumer. The board shall upon request issue to a wine grower or brandy manufacturer a duplicate of his original license for a location or locations other than his wine production or brandy manufacture premises. The duplicate license authorizes the maintenance and operation of each branch or warehouse or United States bonded storeroom declared and designated by the wine grower or brandy manufacturer at the location for which the duplicate license is issued. The fee for each duplicate wine grower's license is an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for each duplicate brandy manufacturer's license an amount equal to the fee paid for the original license.

Violation at branch office

23391. If a violation of any provision of this division or of any rule of the board is committed in the exercise of the license privileges authorized to be exercised at any branch office, and the violation becomes a matter of investigation, hearing, or decision by the board with relation to the license of the licensee, the board in making its ruling or decision, if the violation is found to be one committed in connection with the operation of the branch office and not a violation in connection with manufacturing or production or the manufacturing or production premises, shall not suspend, revoke, or interfere with the manufacturer's or wine grower's license privileges or license at his place of manufacture or production but shall limit the application of its decision, permissible under this division, to and in connection with the particular duplicate license and the premises in the operation of which the violation occurred.

Violation at manufacturing premises

23392. If a violation of any provision of this division or of any rule of the board is committed in connection with the premises where the act of manufacturing beer or producing wine is performed, the board in making its ruling or decision in connection with the violation shall limit its decision, permissible under this division, to and in connection with the license upon the premises of manufacture or production and to the particular function exercised by the licensee wherein a violation occurred,

such as manufacturing, production, importing, exporting, packaging, labeling, selling to wholesalers, or selling to retailers, and any existing duplicate license for any branch office, unless the branch office actually participated in the commission of the violation, shall not be affected or interfered with by the decision or by reason of the violation.

Retail off-sale beer and wine license

23393. A retail package off-sale beer and wine license authorizes the sale, to consumers only and not for resale, of beer in packages and in quantities of 31 gallons or less per sale and wine in packages and in quantities of 52 gallons or less per sale, for consumption off the premises where sold.

Off-sale general license

23394. An off-sale general license includes the privileges specified in Section 23393 and authorizes the sale, to consumers only and not for resale, of distilled spirits in packages of not more than one gallon and in packages containing not less than one-half pint, for consumption off the premises where sold.

Exception

23395. Nothing in this division prevents the sale, in packages of less than one-half pint, of bitters or other aromatic or flavoring or medicinal preparations, which are classed for taxing purposes as distilled spirits, by off-sale general licensees.

On-sale license

23396. Any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold.

Trains and boats

23397. Alcoholic beverages may be served on trains and boats under on-sale licenses issued for trains and boats only to passengers or employees.

Exception

23398. Nothing in this division prevents the purchase or possession in packages of less than one-half pint capacity of bitters or other aromatic or flavoring or medicinal preparations, which are classed for taxing purposes as distilled spirits, by on-sale licensees.

On-sale general license

23399. An on-sale general license authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold.

23400. An on-sale general license authorizes the purchase and possession of distilled spirits in packages of not more than one gallon capacity and of not less than one-half pint capacity

23401. An on-sale general license, with respect to beer and wine, and any on-sale license, with respect to the particular beverage or beverages mentioned in the license, also authorizes the exercise of the rights and privileges granted by an off-sale beer and wine license. None of the licensees mentioned in this section may, by reason of any license mentioned in this section, label, bottle, package, or refill any package with any alcoholic beverage.

Purchase for resale

23402. No retail on- or off-sale licensee shall purchase alcoholic beverages for resale from any person except a person holding a beer manufacturer's, wine grower's, rectifier's, or wholesaler's license.

Undenatured alcohol

23403 No retail licensee, except a pharmacy or drug store registered with the California State Board of Pharmacy, shall sell or possess on his licensed premises any undenatured alcohol of any proof or compound thereof which is an alcoholic beverage

as defined in Section 23004 containing more than 60 percent of alcohol by volume. Undenatured alcohol shall be sold at retail only upon the prescription or order of the holder of a physician's and surgeon's certificate or a dentist's or veterinarian's license.

Penalty

Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Salesman's aiding, etc.

23404. It is unlawful for any salesman to aid or abet in the violation of any of the provisions of this division or knowingly to become a party, either directly or indirectly, in the violation of any of the provisions of this division.

Article 4. Club Licenses

"Club"

23425. For the purposes of this article "club" means:

(a) Any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year. An American national fraternal organization as used in this subdivision shall actively operate in not less than 36 states of the Union and have not less than 500 local units in those 36 states, and shall have been in active continuous existence for not less than 20 years.

(b) Any hall or building association of a local unit mentioned in subdivision (a), all of the capital stock of which is owned by the local unit or the members thereof, and which operates the clubroom facilities of the local unit.

23426. For the purposes of this article "club" also means any golf club which has more than 100 bona fide members, which owns, maintains, or operates a regular golf links together with a clubhouse thereon, and which has operated the establishment for not less than one year; or any swimming and tennis club which maintains a standard AAU swimming pool and not less than five regulation tennis courts, together with the necessary facilities and clubhouse, which has 200 members or more paying regular monthly dues, and which has been in existence for not less than two years.

23427. For the purposes of this article "club" also means any yacht club which is a nonprofit organization and is a regular member of a recognized national nonprofit yachting organization having a membership of not less than 200 member yacht clubs, which yacht club has more than 100 bona fide regular members, and which owns, maintains, or operates a clubhouse and has operated the clubhouse for not less than one year.

23428. For the purposes of this article "club" also means any bar association having an authorized delegate to the American Bar Association and composed entirely of attorneys at law, duly admitted, licensed, and qualified to practice within the State, which has a bona fide membership of more than 1,000 members and has been in existence for a period of more than 20 years, and which owns, leases, operates, or maintains a club

room or rooms for its membership and has operated the club room or rooms for a period of not less than five years.

23429. A club as defined in this article is a bona fide club within the meaning of Section 22 of Article XX of the Constitution.

23430. The board may issue one club license to any club as defined in this article. The fee for a club license shall be seventy-five dollars ($75) per year, plus an additional fee as set by the board for the distilled spirits privileges of the license. The fee for a club license shall not exceed the fee for an on-sale general license in the locality where the club is maintained. Club license

23431. The holder of a club license may exercise all of the rights and privileges permitted by an on-sale general license but may sell and serve alcoholic beverages for consumption within the licensed establishment only to bona fide members of the club and their bona fide guests. A club license is not transferable from person to person. The provisions of Article 2 of Chapter 5 of this division do not apply to the issuance of club licenses. Rights, etc

23432. Any club which holds an on-sale general license and which transfers its on-sale general license to another person shall not be eligible to apply for a club license for a period of at least one year following the date of the transfer of its on-sale general license. Club transferring on-sale general license

Article 5. Veterans' Club Licenses

23450. As used in this article, "veteran" means any person who has served in the United States Army, Navy, Marine Corps, Revenue Marine Service, or as an active nurse in the service of the American Red Cross, or in the Army and Navy Nurse Corps in time of war, or in any expedition of the armed forces of the United States, or who served in one of such services during the period September 16, 1940, to December 7, 1941, and received a discharge under conditions other than dishonorable. "Veteran"

23451. Any post, chapter, camp, or other local unit, composed solely of veterans, of an organization composed solely of veterans which has been chartered by the Congress of the United States for patriotic, fraternal, or benevolent purposes, and which post, chapter, camp, or other local unit has, as the owner, lessee, or occupant thereof, operated an establishment for any such purpose for not less than one year, is a bona fide club within the meaning of Section 22 of Article XX of the Constitution and of this division. Post, chapter, etc., as a club

23452. The board may issue one veterans' club license to any post, chapter, camp or other local unit described in Section 23451 for the establishment, if otherwise satisfactory, where the post, chapter, camp, or other local unit maintains its club. The fee for a veterans' club license shall be in such amount as is set by the board, not to exceed the fee for an on-sale general license in the locality where the club is maintained. Veterans' club license

23453. The holder of a veterans' club license may exercise all of the rights and privileges permitted by an on-sale general Rights, etc

license but may sell and serve alcoholic beverages for consumption within the licensed establishment only to bona fide members of the veterans' organization and their bona fide guests. A veterans' club license is not transferable to another person from the person to whom issued or by whom renewed The provisions of Article 2 of Chapter 5 of this division do not apply to the issuance of veterans' club licenses

Limitation on club officers', etc., compensation

23454. No member and no officer, agent, or employee of a veterans' club licensee shall be paid or shall directly or indirectly receive, in the form of salary or other compensation, any of the profits from the distribution or sale of alcoholic beverages to the licensee or to the members of the licensee or its guests, beyond the amount of such salary as may be fixed and voted at any regular meeting by the members of the licensee or by its governing body out of the general revenue of the local unit.

Revocation

23455. The board may revoke any license issued pursuant to this article whenever, in the judgment of the board, the licensee ceases to operate as a bona fide club.

CHAPTER 4. IMPORTS

Shipment by post

23660. Postal authorities may refuse delivery of any shipment of alcoholic beverages originating outside this State Postal authorities may turn alcoholic beverages over to the board The alcoholic beverage when received shall be forfeited to the State.

When import is lawful

23661. Alcoholic beverages may be brought into this State from without this State for delivery or use within the State only by common carriers and only when the alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of the licensed importer or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division.

Consignment to licensed importer

23662 A shipment shall be deemed to be consigned to a licensed importer, although originally consigned to a person not so licensed, when the shipment is, before delivery and without leaving the possession of the common carrier transporting it, reconsigned or diverted in transit by either the consignor or consignee to a licensed importer to whom final delivery by the common carrier is made.

Presumption

23663. Alcoholic beverages which are consigned to a destination within this State shall be presumed to be for delivery or use within this State.

Exceptions

23664. A railroad, sleeping car, dining car, boat, or steamship company carrying interstate or foreign passengers on trains or boats shall not be deemed to be an importer or subject to an importer's license for bringing into this State alcoholic beverages for the purpose of sale within this State on the trains, car, or boats on which the alcoholic beverages are brought into this State exclusively to passengers or employees, and for carrying the same alcoholic beverages or any unsold portion thereof out of this State in due course of operation.

23665. Any common carrier, except railroad and steamship companies, before engaging in the business of transporting shipments of alcoholic beverages into this State, shall register with the board and make application to the board for an interstate alcoholic beverage transporter's permit, which, upon issuance shall be valid until revoked by the board. Interstate alcoholic beverage transporter's permit

23666. Alcoholic beverages imported into this State contrary to the provisions of Sections 23661 to 23665, inclusive, shall be seized by the board Seizure

23667. Common carriers transporting alcoholic beverages into this State for delivery or use within this State or common carriers making delivery of alcoholic beverages so transported shall obtain from the licensed importer or customs broker a receipt on a form prescribed by the board for the alcoholic beverages so transported and delivered If the consignee refuses to give the receipt and show his license to the carrier, the carrier is relieved of all responsibility for delivery of the alcoholic beverages. Delivery receipt

23668 Subject to the provisions of Section 23662, whenever the consignee is not a licensed importer or customs broker or whenever the consignee refuses to give his receipt and show his license, the carrier shall immediately notify the board at Sacramento giving full details as to the character of shipment point of origin, destination, and address of the consignor and consignee, and within 10 days the alcoholic beverages shall be delivered to the board and shall be forfeited to the State Same Effect of refusal

23669. If any alcoholic beverages seized under Section 23666 or forfeited under Section 23668 are sold by or under the direction of the board, the common carrier's unpaid freight and storage charges accruing on the shipments of the alcoholic beverages shall be satisfied out of the proceeds of any sale made by the State after deducting the cost of the sale and any excise taxes accruing thereon. Proceeds of forfeiture sale

23670. Every person violating the provisions of this article is guilty of a misdemeanor. Penalty

Chapter 5. Restrictions on Issuance of Licenses

Article 1. In General

23770. A wine grower's license shall be issued only to, or held by, a person qualified to operate or operating a winery wine storeroom, or field warehouse bonded under the internal revenue laws of the United States. Every person operating a winery or wine storeroom bonded under the internal revenue laws of the United States shall apply for, and hold, a wine grower's license. Wine grower's license

23771. No distilled spirits license of any kind, except a distilled spirits manufacturer's or a distilled spirits manufacturer's agent's license, shall be issued to any person, or to any officer, director, employee, or agent of any person who manufactures distilled spirits within or without this State Distilled spirits license

23772. No distilled spirits manufacturer's or distilled spirits manufacturer's agent's license shall be held by any person who holds any ownership or interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, loan, mortgage, or lien on any personal or real property, or otherwise, in any distilled spirits wholesaler's, rectifier's or retailer's license.

23773. The provisions of Sections 23771 and 23772 do not prevent agents or employees of a distilled spirits manufacturer located without this State from soliciting orders for distilled spirits within the State.

23774. The provisions of Sections 23771 and 23772 do not prevent the issuance of a distilled spirits wholesale license to any person who, on July 1, 1937, owned or operated a business which for five years immediately preceding that date had maintained and operated in this State a bona fide jobbing and distributing establishment for the sale to retail dealers of goods, wares, and merchandise, the major portion of which business at a time five years preceding July 1, 1937, was goods, wares, and merchandise other than alcoholic beverages.

Importer's license

23775. An importer's license shall be issued only to a person or manufacturer who holds a license authorizing the sale for resale of the types of alcoholic beverages mentioned in the importer's license.

Wholesaler's license

23776. A wholesaler's license shall not be issued to any on-sale licensee.

Population limitation

23777. No off-sale general license shall be renewed or issued to a distilled spirits wholesaler whose premises are located in a city having a population of 50,000 or more, as shown by the 1940 federal census, or to a distilled spirits wholesaler who sells distilled spirits to licensees whose premises are located in any city having a population of 50,000 or more, as shown by the 1940 federal census.

Reasonable stock

23778. A distilled spirits wholesaler's license shall not be held by any person unless at all times throughout the license year he has on his wholesale premises a reasonable stock of distilled spirits, as determined by the board, for which he has fully paid lawful money or its equivalent.

Bona fide business

23779. No wholesale license shall be issued to any person who does not in good faith actually carry on or intend to carry on a bona fide wholesale business by sale to retail licensees of the alcoholic beverage designated in the wholesale license, and the board may revoke any wholesale license when the licensee fails for a period of 45 days actively and in good faith to engage in the wholesale business and shall revoke any distilled spirits wholesaler's license held by any person who fails to comply with applicable provisions of Sections 23378, 23379, 23776, 23777, and 23778. Sale by a wholesale licensee to himself as a retail licensee is not the transaction of a bona fide wholesale business.

Funds for future delivery

23780. No distilled spirits wholesaler's license or rectifier's license shall be issued or renewed to any person who holds on

deposit funds obtained from any retailer, which funds were obtained for the purpose of applying them, either in whole or in part, toward the payment of any future delivery of distilled spirits to the retailer.

Rectifier's, etc., license One per city

23781. Not more than one distilled spirits manufacturer's license, or one rectifier's license, or one distilled spirits wholesaler's license shall be issued to any one person in any one city.

Industrial alcohol dealers' license

23782. Industrial alcohol dealers' licenses shall be issued only to persons to whom, and for premises for which, a distilled spirits wholesaler's license has been issued.

Prior revocation

23783. No retail license shall be issued to any applicant for any premises for which a license has been revoked during the three months immediately preceding the filing of the application; but this section does not apply if the revocation is the result only of the nonpayment of a license fee.

Mutual exclusiveness

23784. No retailer's on-sale license shall be issued to any person to whom, or for any premises for which, a manufacturer's, wine grower's, importer's, wholesaler's, or rectifier's license is issued; and no manufacturer's, wine grower's, importer's, wholesaler's, or rectifier's license shall be issued to any person to whom, or for any premises for which, a retailer's on-sale license is issued.

Premises

23785. A retail package off-sale general license, when issued to the holder of a rectifier's or distilled spirits wholesaler's license, shall be issued only for the same premises for which the rectifier's or distilled spirits wholesaler's license is issued, except as otherwise provided or permitted in this division.

Restricted to public eating places

23786. Retailer's on-sale beer and wine licenses or on-sale general licenses shall be issued only to bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, or other public eating places, or to bona fide clubs after such clubs have been lawfully operated for not less than one year.

Good faith sale of meals

23787. The board shall, before issuing any on-sale license for the sale of alcoholic beverages, other than beers, to be consumed or otherwise disposed of in any hotel, restaurant, cafe, cafeteria, or other public eating place, determine whether the hotel, restaurant, cafe, cafeteria, or other public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises.

Citizenship

23788. No on-sale general license or on-sale general license for seasonal business shall be issued to any applicant who is not a citizen of the United States, or to a corporation applicant unless a majority of the members of the board of directors, and all of the persons, other than directors, who are charged with the duty of managing or conducting the business of the licensee, are citizens of the United States. No on-sale general licensee or on-sale general licensee for seasonal business shall knowingly employ any person to manage, direct, or conduct the business who does not have the qualifications required of a holder of the license.

Vicinity of churches, etc

23789. The board is specifically authorized to refuse the issuance of on-sale retail licenses for premises located within the immediate vicinity of churches, hospitals, schools, and children's public playgrounds.

Conflict with zoning ordinance

23790. No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city unless the premises had been used in the exercise of such rights and privileges at a time prior to the effective date of the zoning ordinance.

"Zoning Law of 1917"

23791. Nothing in this division interferes with the powers of cities conferred upon them by Sections 38690 to 38706, inclusive, of the Government Code, the "Zoning Law of 1917."

Public construction camps

23792. No license, other than an on-sale beer license, shall be issued to any applicant for any premises situated more than one mile outside the limits of an incorporated city and within two miles of any camp or establishment of men, numbering 25 or more, engaged upon or in connection with the construction, repair, or operation of any work, improvement, or utility of a public or quasi-public character. This section does not apply to the renewal of any licenses for any premises which have been established and licensed under this division at least six months prior to the establishment of the camp or establishment of men and such licenses, whether held by the original licensee to whom first issued or a subsequent holder thereof, shall be subject to transfer as to person and premises, or either, in the same manner as any other license of the same type and character issued by the board.

Article 2. Limitation on Number of Licensed Premises

Legislative determination

23815. It is hereby determined that the public welfare and morals require that there be a limitation on the number of premises licensed for the sale of distilled spirits.

On-sale general license One per 1 000 inhabitants

23816. The number of premises for which an on-sale general license is issued shall be limited to one for each 1,000, or fraction thereof, inhabitants of the county in which the premises are situated. No additional on-sale general licenses, other than a renewal or transfer or as permitted by Sections 23821 or 23822, shall be issued in any county where the number of all premises for which on-sale licenses, other than on-sale beer licenses, are issued is more than one for each 1,000, or fraction thereof, inhabitants of the county. No on-sale general license shall be issued in lieu of or upon the cancellation or surrender of an on-sale beer and wine license.

Off-sale general license Same

23817. The number of premises for which an off-sale general license is issued shall be limited to one for each 1,000, or fraction thereof, inhabitants of the county in which the premises are situated. No additional off-sale general license, other than a renewal or transfer or as permitted by Sections 23821 and 23822, shall be issued in any county where the number of premises for which all off-sale licenses are issued is more than

one for each 1,000, or fraction thereof, inhabitants of the county.

23818 Population, for the purpose of Sections 23816 and 23817, shall be determined by the most recent United States decennial or special census. Population determination

23819. Nothing in this article authorizes the cancellation of any license which may be outstanding in any county in excess of the number authorized by the ratio established in this article, nor shall anything in this article require the issuance of any license in any county because the number of the licenses does not equal the authorized ratio. Limitations

23820 The board may make all rules consistent with the provisions of Section 22 of Article XX of the Constitution, or the provisions of this division, necessary to carry into effect the provisions of this article, and to restrict the issuance of alcoholic beverage licenses, including seasonal licenses, but not including beer, off-sale beer and wine, beer and wine wholesaler's, and wine grower's licenses, to such number in any county as the board shall determine is in the interest of public welfare and morals, convenience, or necessity. Discretionary restrictions

23821. Whenever it is made to appear to the board by satisfactory evidence that the population in any county has increased by more than 1,000 or multiples of 1,000 inhabitants since the most recent United States decennial or special census and it appears to the board that by reason thereof the inhabitants of the county are unjustly and unfairly discriminated against, and if the total number of licenses in such county do not then exceed the maximum specified in Sections 23816 and 23817, the board may issue not to exceed one on-sale general license and one off-sale general license for each increase of 1,000 inhabitants in the county since the taking of the census In all other respects the limitation hereinbefore provided for shall continue in effect. Population increase since census

23822 Any person applying for an off-sale general license or on-sale general license on the ground of increased population shall set forth in his application and shall affirmatively show all of the following: Same Application

(a) That he is a qualified applicant and that his premises qualify under the law and rules of the board.

(b) That the issuance of the license applied for would serve the public convenience or necessity.

(c) That the issuance of the license applied for would not be contrary to public welfare and morals.

(d) That inequality in the ratio of licenses exists between the community in which the applicant's premises are located and other communities in the State.

(e) That the population in the county for which the license is applied has increased to the extent and under the conditions mentioned in Section 23821.

23823. When an application is filed with the board pursuant to Section 23822, it shall be referred to the State Liquor Administrator who shall cause a full investigation to be made of Same Investigation, etc

all matters stated in and relating to the application and report his findings to the board with his recommendations.

If a protest against the issuance of any license is filed with the board, the hearing thereon shall be had and conducted as provided in this division.

CHAPTER 6. ISSUANCE AND TRANSFER OF LICENSES

Article 1. Applications for Licenses

Form

23950. Application for a license shall be made to the board upon a form prescribed by the board.

Contents

23951. The application shall contain the following:

(a) The name of the applicant.

(b) In the case of a copartnership, the names of the individual partners.

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

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

(e) Such other information as the board may require to assist it in determining whether the applicant and the premises qualify for a license.

Statement of violations, etc

23952. The application shall also contain a statement to the effect that the applicant has not been convicted of a felony and has not violated and will not violate or cause or permit to be violated any of the provisions of this division or any rule of the board applicable to the applicant or pertaining to the manufacture, sale, or distribution of alcoholic beverages, particularly any of the provisions of Sections 25500 to 25504, inclusive, or Sections 25611 to 25615, inclusive. If the applicant cannot make this statement the application shall contain a statement of the violation, if any, or reasons which will prevent the applicant from being able to comply with the requirements with respect to the statement.

Signature

23953. The application shall be signed by the applicant. In the case of a partnership the application shall be signed by each of the partners, and in the case of a corporation by an officer and under the seal of the corporation.

Verification, fee

23954. The application shall be verified under oath and accompanied by the license fee.

23955. Any applicant for a wine grower's license shall, at the time of filing application for license, accompany the application with a license fee based upon a reasonable estimate of the amount of wine gallonage to be produced by the applicant.

23956. Any applicant for an off-sale general license shall, at the time of filing application for license, accompany the application with the minimum license fee required or such larger fee as the applicant elects.

Premises to be constructed

23957. Applications for licenses for the retail sale of alcoholic beverages for premises which are to be constructed or

which are in the process of construction shall contain the information required by this article and such other information concerning the proposed premises as the board may require to assist it in determining whether the proposed premises will qualify for a license.

Investigation

23958. Upon receipt of an application for a license and the license fee, the board shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license. The board shall deny an application for a license if either the applicant or the premises for which a license is applied do not qualify for a license under this division.

Application denied, etc Return of fee

23959. If an application is denied or withdrawn, three-fourths of the license fee paid, or an amount equal to the license fee paid less ten dollars ($10), whichever is greater, shall be credited on any taxes then due from the applicant under this division or the Sales and Use Tax Law, the remaining portion of this amount shall be returned to the applicant, and the balance of the license fee shall be deposited in the Alcohol Beverage Control Fund.

License issued within later quarter Same

23960. If, after an application for a license is filed, the license is not issued within the quarter applied for but is issued thereafter, such portion of the license fee as is not required in the quarter when issued shall be credited on any taxes then due from the applicant under this division or the Sales and Use Tax Law, and the balance shall be refunded to the applicant.

Investigation, etc

23961. All applications for an alcoholic beverage license or for a transfer of such a license shall be immediately referred to the State Liquor Administrator for investigation and report. The State Liquor Administrator shall cause a complete investigation to be made of the applicant and the premises to determine whether they qualify under this division and whether the provisions of this division have been complied with, and he shall investigate all matters connected therewith which may affect the public welfare and morals. He shall report the result of his investigation to the board.

Article 2. Notices and Protests

Posting of notice of intention

23985. Before commencing to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence shall be posted in a conspicuous place at the entrance to the premises. Licenses shall not be issued for the premises until the notice has been so posted for 15 consecutive days immediately prior to the issuance of the licenses The notice shall be in such form as the board shall prescribe.

Notice of the application for a license pursuant to Section 24044 shall be posted on the premises for 15 days from the date of the application in the form and manner prescribed by the board.

Publication

23986. Any applicant for an on-sale license shall, within five (5) days after filing his application with the board, cause a notice of the application, giving the name or names of the

applicant and the premises where the business is to be conducted, to be published once in a newspaper of general circulation in the city in which the premises are situated, or if the premises are not in a city the publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of the notice shall be prescribed by the board. Affidavit of publication shall be filed with the board prior to the issuance of any license.

Notice to sheriff, etc

23987. Upon the receipt by the board of an original application for any license, written notice thereof shall immediately be mailed by the board to the sheriff, chief of police, and district attorney of the locality in which the premises are situated, to the board of supervisors of the county in which the premises are situated, if in unincorporated territory, and to the city council or other governing body of the city in which the premises are situated, if within an incorporated area.

No license shall be issued by the board until at least 15 days after the mailing by the board of the notices required by this section.

Protest, hearing, etc

23988 Upon receipt by the board within such 15 days of a protest by the governing body of the city or county to whom notice of a license application has been mailed against the issuance of a license, the board shall not issue the license until after a public hearing is held by the board within the county or city affected. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Article 3. Denial of Licenses

Grounds for denial

24010 A written report of a member of the board or of an employee of the board engaged in the enforcement of this division disclosing that an applicant for a license or the premises for which a license is applied are not qualified for a license shall constitute grounds for the denial of an application for a license.

Notice to applicant, petition

24011. Immediately upon the denial of any application for a license, the board shall notify the applicant in writing Within 10 days after the board mails the notice, the applicant may present his written petition for a license to the board.

Hearing

24012. Upon receipt by the board of a petition for a license in proper form, it shall be referred to a representative of the board for hearing.

Protest

24013. Protests may be made to the board at any time prior to the original issuance of a license.

24014. A protest made by any person other than an employee of the board or a public officer shall be verified. Verification may be on information and belief.

Same As an accusation

24015. If a license has been issued to the applicant before receipt of the protest by the board, the protest shall be considered as an accusation against the licensee and a hearing had thereon as if an accusation had been filed.

24016. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board has all the powers granted therein. Administrative Procedure Act

Article 4. Issuance and Renewal of Licenses

24040. Each license shall be issued to a specific person and, except in the case of licenses authorizing the sale of alcoholic beverages on trains or boats, shall be issued for a specific location, the principal address of which shall be indicated on the license. Issuance Person and location

24041. Separate licenses shall be issued for each of the premises of any business establishment having more than one location, except as provided for in Sections 23388, 23389, and 23390, and except that the holder of a public warehouse license maintaining or operating more than one public warehouse in this State shall be required to obtain but one license for all of his public warehouse establishments. A copy of the original public warehouse license issued to a public warehouseman maintaining or operating more than one public warehouse in this State shall be posted in each of his public warehouse establishments. A charge of one dollar ($1) shall be made by the board for each copy of a public warehouse license issued to a public warehouseman. Several premises

24042. Any licensee under an on-sale general license or an on-sale general license for seasonal business who maintains upon or within the premises for which the license is issued more than one room in which there is regularly maintained a fixed counter or service bar at which distilled spirits are served for consumption within the licensed premises shall obtain from the board, and the board shall upon request issue, a duplicate of his original license for each room, in excess of one, containing a fixed counter or service bar and shall post a duplicate of his original license in each such room. He shall pay to the board at the time of application for each duplicate license an amount equal to the license fee payable for a like period for the distilled spirits privileges of the original on-sale general license or on-sale general license for seasonal business Failure to obtain the duplicate licenses and to pay the fees and renewal fees therefor shall subject the licensee to the penalties imposed by this division for failure to obtain an original license or to pay the renewal fees therefor. Several bars

24043. Licenses for trains and boats shall be based on the average number in actual operation during the license year of each class of operating units, namely, trains and boats upon which the license privileges are exercised. The average number in actual operation shall be determined as the board may prescribe. Trains and boats

24044. Licenses for the retail sale of alcoholic beverages may be issued for or transferred to premises which are to be constructed or which are in the process of construction. No Premises to be constructed

alcoholic beverages shall be sold pursuant to the license until the premises have been completed.

Time basis

24045. All retailer's on-sale licenses, except on-sale general licenses for seasonal businesses, shall be issued on a calendar year basis, except that the board may issue special licenses for the sale of beer or wine on a temporary basis for premises temporarily occupied by the licensee for a picnic, social gathering, or similar occasion at a fee of five dollars ($5) per day. All other licenses shall be issued on the basis of a fiscal year, commencing July 1st and ending June 30th.

Posting of licenses

24046. Upon receipt of any license, the licensee shall sign it and post it in a conspicuous place upon the licensed premises. Licenses issued for trains or boats may, in lieu of being posted upon the train or boat for which issued, be posted in such other place in this State as the board shall designate.

License lost or destroyed

24047. Whenever a license certificate is in effect and is lost or destroyed, the board shall issue a duplicate license upon the payment of a fee of five dollars ($5).

Renewal

24048. Every license, other than a temporary license, is renewable unless the license has been revoked if the renewal application is made and the fee therefor is paid on or before the date on which payment thereof is due. If the fee for the renewal of any license is not so paid, the license is automatically suspended but may be reinstated by the board within 31 days thereafter upon payment of the amount due. Unless the license is so reinstated, it is automatically revoked 31 days after the date upon which payment of the renewal fee is due, and no license shall be issued to the licensee except upon a new application for a license.

Refusal

24049. The board may refuse the renewal of any license when the applicant is delinquent in the payment of any taxes due under this division or under the Sales and Use Tax Law.

Revocation, etc., by reason of Japanese ancestry

24050. Any individual who held a license on December 7, 1941, and whose license was thereafter revoked because of the Japanese ancestry of the licensee, or was surrendered or permitted to expire by the Japanese licensee, may at any time within six months after September 22, 1951, file an application for a similar license, and the board shall issue the license upon the payment of the current fee therefor. The provisions of Article 2 of Chapter 5 of this division shall not apply to licenses issued to such persons. No license shall be issued pursuant to this section to a person who is not qualified to hold a license at the time of filing his application, and the issuance of the license shall be subject to the approval of the board and other provisions of this division. The acceptance of a license issued pursuant to this section shall constitute a release of any and all claims for damages, if any there be, which the person to whom the license is issued may have against the State by reason of the revocation, cancellation, or expiration of any license previously issued to or held by such person. No license issued pursuant to this section or interest therein shall be subject to transfer by the person to whom issued to any other transferee

for a period of one year and the license may thereafter be transferred only if the individual to whom it has been issued has during the year as sole owner conducted the business operated under the license and personally, unless prevented by causes beyond his control, worked in the actual operation of the business.

Article 5. Transfer of Licenses

Transfer fees

24070. Each license is separate and distinct and is transferable from the licensee to another person upon the approval of the board as provided in this division and upon the payment of a transfer fee equal to the fee payable upon an original application for the license, except as provided in Section 24071.

24071. The license or licenses of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license or licenses of a decedent, minor ward, incompetent person, bankrupt person, or assignor for the benefit of creditors may be transferred by or to the surviving partner or partners of a deceased licensee, the executor, administrator, or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or licenses may be transferred between partners where no new partner is being licensed, and the fee for transfer for each license is twenty-five dollars ($25).

Transfer from premises

24072. Each license is transferable from the premises for which issued upon the approval of the board, the payment of a transfer fee of twenty-five dollars ($25), and compliance with the provisions of this division relating to the issuance of an original license.

Notice of intended transfer

24073. No retail license limited in numbers shall be transferred unless at least seven days before the filing of the transfer application with the board the licensee or the intended transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

(a) The name and address of the licensee.

(b) The name and address of the intended transferee.

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

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

(e) The date when and the place where the purchase price or consideration for the transfer of the license or licenses, if any there be, is to be paid and the amount of the purchase price or consideration, if any there be.

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

Escrow holder

24074. At least seven days before the filing of such a transfer application with the board, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration, if any there be, to be paid in connection with the transfer. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, out of the purchase price or consideration, to pay the claims of the bona fide creditors of the licensee who file their claims with the escrow holder within the period of seven days after the recording of the notice of intended transfer, or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration pro rata to the creditors of the licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

Exceptions

24075 The provisions of Sections 24073 and 24074 do not apply to any transfer of a license made by an executor, administrator, guardian, trustee, receiver, or other person acting in the legal or proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors.

License as security

24076. No licensee shall enter into any agreement wherein he pledges the transfer of his license as security for a loan or as security for the fulfillment of any agreement. Each application for the transfer of a license shall be accompanied by or contain a statement verified by both the transferor and transferee specifically stating that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the board or to gain or establish a preference to or for any creditor of the transferor or to defraud or injure any creditor of the transferor. This statement shall become part of the transfer application, and any misrepresentation contained in the statement shall be considered the misrepresentation of a material fact.

CHAPTER 7. SUSPENSION AND REVOCATION OF LICENSES

Grounds for suspension or revocation

24200 The following are the grounds which constitute a basis for the suspension or the revocation of licenses:

(a) When the continuance of a license would be contrary to public welfare or morals; but proceedings under this section upon this ground are not a limitation upon the board's authority to proceed under Article XX, Section 22, of the Constitution.

(b) Except as limited by Chapters 11 and 12 of this division, the violation or the causing or the permitting of a violation by a

licensee of this division, any rules of the board adopted pursuant to the provisions of this division, or any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors.

(c) The misrepresentation of a material fact by any applicant in obtaining any license.

(d) The plea, verdict, or judgment of guilty to any public offense involving moral turpitude or under any federal law prohibiting or regulating the sale, exposing for sale, use, possession, or giving away of alcoholic beverages or intoxicating liquors or prohibiting the refilling or reuse of distilled spirits containers charged against the licensee.

Accusations

24201. Accusations may be made to the board by any person against any licensee. Accusations shall be in writing and shall state one or more grounds which would authorize the board to suspend or revoke the license or licenses of the licensee against whom the accusation is made.

Same: Report of board member

24202. A written report of a member of the board, an employee of the board engaged in the enforcement of this division, or a public officer disclosing one or more grounds for the suspension or revocation of the license or licenses of any licensee shall be deemed an accusation against the licensee within the meaning of this division, even though not in the form of an accusation.

Same Filing and hearing

24203. Accusations against any on-sale or off-sale licensee may be filed with the board by the legislative body of any city in which the premises in question are located, or if the premises are in unincorporated territory, then by the board of supervisors of the county, requesting the suspension or revocation of any retail license Upon the filing of the accusation, the board shall provide for a public hearing thereon within the county in which the premises are located and determine whether or not the license should be revoked or suspended Whenever the local legislative body certifies that the public safety, health, or welfare requires an immediate hearing of the accusation, the public hearing shall be held within five (5) days after the filing of the accusation with the board

Pure Foods Act

24204. The Chief of the Bureau of Food and Drug Inspection shall immediately notify the State Liquor Administrator of the conviction of any licensee of any violation of the California Pure Foods Act in connection with alcoholic beverages and shall send a copy of the notice to the chief liquor control officer of the district in which the premises of the licensee are situated. The respective officers shall promptly cause an investigation to be made and shall report to the board their recommendations as to suspension or revocation of the license of such licensee.

CHAPTER 8. HEARINGS

Hearings

24300. Any hearings held on a protest, accusation, or petition for a license shall be held at the county seat of the county in which the premises or licensee are located. Except as provided in Section 24203 and in this section, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the board shall have all the powers granted therein.

Subject to review

24301. Subject to the provisions of Section 22 of Article XX of the Constitution, any ruling, order, or decision of the board is subject to review as provided by law in any court of competent jurisdiction in the county in which the person affected resides.

CHAPTER 9. EXCISE TAXES

Article 1. General Provisions

"Tax"

24400. "Tax," as used in this chapter, except in Articles 2 and 3, means the excise tax imposed by this chapter on beer or wine or on distilled spirits.

"Sale"

24401. "Sale," as used in Sections 24431 and 24465, includes, in addition to the definition in Section 23025, the transaction whereby alcoholic beverages are transferred, with or without consideration, by a licensee holding one type of license to himself for purposes of sale under a retailer's license held by him or to any person for any purpose; and the transaction whereby alcoholic beverages are transferred, with or without consideration, by a customs broker to any person within this State except a licensed importer.

Records

24402. On- or off-sale general licensees shall keep books of accounts in which shall be kept records of all distilled spirits acquired by them, or in lieu thereof shall preserve all original bills and invoices for distilled spirits acquired. The records shall be in the form prescribed by the board and shall show at all times all purchases of distilled spirits made during the previous three years.

Tax preference upon insolvency, etc

24403. Whenever any person liable for any tax is insolvent, whenever any person makes a voluntary assignment of his assets, whenever the estate of a deceased person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased, or whenever the estate and effects of an absconding, concealed, or absent person are levied upon by process of law, the tax, together with interest and penalties attaching thereto, shall be first satisfied. This section shall not be construed to give the State a preference over any recorded lien which attached prior to the date when the tax became a lien.

Tax evasion penalty

24404. Any person who wilfully evades or attempts in any manner to evade or defeat the payment of the excise tax imposed by this division is guilty of a felony.

24405. No tax shall be imposed upon the sale of alcohol, distilled spirits, or wine by distilled spirits manufacturers, brandy manufacturers, rectifiers, industrial alcohol dealers, or wine growers for use in the trades, professions, or industries, but not for beverage use. Complete information concerning sales of distilled spirits or wine for use in the trades, professions, or industries by persons holding industrial alcohol dealers' licenses, distilled spirits manufacturers' licenses, brandy manufacturers' licenses, rectifiers' licenses, and wine growers' licenses shall be reported to the board each month by such licensees on forms prescribed by the board. Nonbeverage use

24406. Any person who diverts or conspires with others to divert for beverage use any alcohol or other distilled spirits or wine sold tax free for use in the trades, professions, or industries is guilty of a felony. Diversion for beverage use a felony

24407. No tax shall be imposed upon the sale of alcoholic beverages by a licensee in this State to a common carrier or to a person licensed to sell alcoholic beverages on boats or trains operated by a common carrier when the alcoholic beverages are to be used without this State; nor in such case need the common carrier procure a license for purposes of purchasing alcoholic beverages from a licensed manufacturer, wine grower, rectifier, importer, or wholesaler. Beverages used without State

Article 2. Tax on Beer and Wine

24431. Except as otherwise provided in this division, an excise tax is imposed upon all beer and wine sold in this State by a manufacturer, wine grower, or importer, or sellers of beer or wine selling beer or wine, with respect to which no tax has been paid within areas over which the United States Government exercises jurisdiction, at the following rates: Tax rates on beer and wine

(a) On all beer, sixty-two cents ($0.62) for every barrel containing 31 gallons and at a proportionate rate for any other quantity.

(b) On all still wines containing not more than 14 percent of absolute alcohol by volume, one cent ($0.01) per wine gallon and at a proportionate rate for any other quantity.

(c) On all still wines containing more than 14 percent of absolute alcohol by volume, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

(d) On champagne, sparkling wine, excepting sparkling hard cider, whether naturally or artificially carbonated, one and one-half cents ($0.01½) on each bottle or other container for each half pint or fraction thereof contained therein.

(e) On sparkling hard cider, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

24432 The board shall adopt such rules as may be necessary to coordinate the system of wine taxation imposed by this division with the system of wine taxation imposed by the internal revenue laws of the United States. Coordination with federal laws

Presumption

24433. It shall be presumed, for the purposes of this division, that all beer manufactured in this State by a manufacturer, or delivered to a manufacturer here, has been sold in this State by the manufacturer, unless one of the following is proved to the satisfaction of the board, in reports on forms prescribed by the board:

Exceptions

(a) That the beer is still in the possession of the licensee.

(b) That the beer has been sold and delivered to another beer manufacturer.

(c) That the beer has been exported without this State or sold for export by the licensee making the report.

(d) That the beer, prior to the termination of possession, has been lost through unintentional destruction.

(e) That the beer was spoiled beer which was destroyed in the presence of a representative of the board or of the United States Bureau of Internal Revenue

(f) That the beer, prior to the termination of possession, has been unaccountably lost, but the unaccounted for loss shall not exceed a tolerance to be fixed by the board.

(g) That the beer is beer otherwise exempted from taxation under this division.

Exemptions

24434. No tax is imposed by this division upon:

(a) Any beer exported by a licensed manufacturer from within this State to any place without the State or sold by a licensed manufacturer for export from within this State to any place without the State and actually exported from this State.

(b) Any beer specifically mentioned in subdivisions (a) to (g), inclusive, of Section 24433.

(c) Any transaction whereby any beer is sold by a licensed manufacturer to another licensed manufacturer.

Any claim for exemption from the tax under this section shall be made to the board in such manner as the board shall prescribe.

24435. Beer consumed by employees of a manufacturer upon the premises of the manufacturer is exempted from the tax under such rules as the board may prescribe.

Presumption

24436. It shall be presumed, for the purposes of this division, that all wine removed from a winery or wine storeroom bonded under the internal revenue laws of the United States on payment of the internal revenue tax by a wine grower has been sold in this State by the wine grower, unless it is proved to the satisfaction of the board, in reports on forms prescribed by the board, that the wine has been exported from this State or sold for export by the wine grower making the report and actually exported from this State or that the wine is otherwise exempt from taxation under this division.

Exemption

24437. No tax is imposed by this division upon any wine sold or delivered in internal revenue bond to another wine grower in this State.

Presumption

24438. It shall be presumed, for the purposes of this division, that all beer and wine imported into this State by a beer manufacturer or wine grower or importer has been sold in this

State at the time it is received by the licensee, unless it is proved to the satisfaction of the board, on forms prescribed by the board, that the beer or wine is still in the possession of the wine grower in internal revenue bond within this State, or has been exported from this State by the licensee making the report or has been sold by him for export and actually exported from this State, or is otherwise exempt under this division.

Beer or wine subsequently exported

24439. If taxes have been paid on beer or wine subsequently exported from the State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed credit with respect to the taxes in any report filed or assessment made under this division.

Military, etc., exemption

24440. Notwithstanding anything to the contrary in this division, beer may be sold by licensed beer manufacturers or beer wholesalers to instrumentalities of the armed forces of the United States located upon territory within this State which is maintained by the United States Government as a military or naval reservation, and no tax shall be imposed upon the sales. If any manufacturer or wholesaler has paid the tax on beer thereafter sold to an instrumentality of the armed forces so located, the taxpayer may claim and shall be allowed credit with respect to the tax so paid in any report filed or assessment paid under this division.

Wine sold to rectifier for export

24441. Any wine grower may claim and shall be allowed credit in any tax report filed or assessment made under this division with respect to the tax paid by him on wine sold to a wine rectifier and which has been exported from this State by the wine rectifier or sold for export by the wine rectifier and thereafter actually exported from this State. The board shall make rules prescribing the procedure for claiming and allowance of the credit.

Article 3. Tax on Distilled Spirits

Tax rates on distilled spirits

24465. An excise tax is imposed upon all distilled spirits sold in this State by manufacturers, distilled spirits manufacturer's agents, brandy manufacturers, rectifiers, or wholesalers, or sellers of distilled spirits selling distilled spirits with respect to which no tax has been paid within areas over which the Federal Government exercises jurisdiction, at the following rates:

On all distilled spirits of proof strength or less, eighty cents ($0.80) per wine gallon, and at a proportionate rate for any quantity.

All distilled spirits in excess of proof strength shall be taxed at double the above rate.

Presumption

24466. It shall be presumed that all distilled spirits acquired by any taxpayer have been sold in this State by him unless one of the following is proved to the satisfaction of the board, in reports on forms prescribed by the board:

Exceptions

(a) That the distilled spirits are still in the possession of the licensee.

(b) That the distilled spirits have been sold or delivered to another licensed distilled spirits manufacturer, rectifier, importer, or wholesaler.

(c) That the distilled spirits have been exported without this State or sold for export by the licensee making the report and actually exported from this State within 30 days from the date of the sale.

(d) That prior to the termination of possession the distilled spirits have been lost through unintentional destruction.

(e) That prior to the termination of possession there has been an unaccounted for loss, but the unaccounted for loss shall not exceed a tolerance to be fixed by the board.

(f) That the distilled spirits are otherwise exempt from taxation under this division.

24467. The tax is not imposed upon any distilled spirits specifically mentioned in subdivisions (a) to (f), inclusive, of Section 24466.

Any claim for exemption from taxes under Section 24466 shall be made to the board in such manner as the board shall prescribe.

Sales for interstate use

24468. Whenever distilled spirits are sold by manufacturers, rectifiers, importers, or wholesalers to common carriers engaged in interstate or foreign passenger service for use or sale by the carriers partly within the State and partly without the State on board boats or trains, or to persons licensed to sell distilled spirits on board such boats or trains, the tax shall not be levied on the sales made by manufacturers, rectifiers, importers, or wholesalers.

Sales by common carriers, etc

24469. An excise tax is levied on sales made in this State of distilled spirits by common carriers on board boats and trains, or by persons licensed to sell distilled spirits on board such boats and trains, at the same rates as set forth in Section 24465. On or before the first day of each month such common carriers and such other licensed persons shall forward to the board a verified report of the sales of distilled spirits so made in the calendar month preceding the previous calendar month, in such detail and form as the board may prescribe, together with a payment sufficient to pay the tax on the sales.

Same Examinations and enforcement

24470. The board shall from time to time make examinations to determine the accuracy of the reports of sales submitted by common carriers and by persons licensed to sell distilled spirits on board boats and trains operated by common carriers. The board may make such rules for the enforcement of the provisions of Section 24469 as it deems necessary to adequately insure the collection of the tax.

Article 4. Return and Payment of Taxes

Tax return and remittance When due

24495. The tax is a direct obligation of the taxpayer and is due and payable monthly on or before the fifteenth day of each calendar month. Each taxpayer, on or before the fifteenth day of each month, shall make out a tax return for the preceding

calendar month, in such form as is prescribed by the board, showing the amount of beer or wine or distilled spirits sold in this State, the amount of tax for the period covered by the return, and such other information as the board deems necessary. The taxpayer shall deliver the return, together with a remittance of the amount of tax due, to the office of the board on or before the fifteenth day of the month.

Delinquency penalty

24496. If the tax is not paid to the board within the time prescribed for the payment of the tax, a penalty of 5 percent of the amount of the tax shall be added thereto on account of the delinquency.

24497. Except as provided in Section 24498, a penalty of five dollars ($5) shall be imposed on any taxpayer who fails to file a tax return within the time prescribed for the filing of the return, but this penalty shall not be in addition to the 5 percent penalty provided under Section 24496 for the late payment of tax if the 5 percent penalty exceeds five dollars ($5).

Extension

24498. The board for good cause may extend for not to exceed 15 days the time for making any report or paying any tax. Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate of 6 percent per annum from the date the tax would have been due without the extension to the date of payment.

Interest

24499. All taxes not paid on the date when due and payable shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from and after that date until paid.

Article 5. Requirement of Bond

Requirement of bond

24520. Every taxpayer shall file with the board, in such form as the board prescribes, a bond or bonds executed by him as principal and a corporation such as is mentioned in Section 1056 of the Code of Civil Procedure in this State as surety, payable to the people of the State of California, conditioned upon the payment of all taxes, penalties, and other obligations of the taxpayer arising under this division.

Fixing amount

24521. Subject to the limitations provided in this article, the board shall fix the total amount of the bond or bonds required of any taxpayer and may increase or reduce the amount at any time. In fixing the total amount, the board shall require a bond or bonds equivalent in total amount to twice the taxpayer's estimated monthly tax ascertained in such manner as the board may deem proper. The total amount of the bond or bonds required of any taxpayer shall never be less than five hundred dollars ($500).

Surety's withdrawal

24522. Every bond shall contain a provision substantially that when the surety exercises his right to withdraw as surety the withdrawal shall be effective on the first day of the calendar month after receipt of the notice by the board if the notice is received on or before the fifteenth day of the month, otherwise

the withdrawal shall be effective on the first day of the second calendar month after receipt of the notice by the board

Suspension of license

24523. The license of any taxpayer shall be automatically suspended upon cancellation of his bond, or if the bond becomes void or unenforceable for any reason, or if the taxpayer fails to pay any taxes or penalties due under this division. The license shall be automatically reinstated if the taxpayer files a valid bond, or pays his delinquent taxes, as the case may be

Upon the petition of any taxpayer whose license has been suspended under this section, a hearing shall be afforded him after five days' notice of the time and place of hearing

Deposit in lieu of bond

24524. In lieu of a bond or bonds a taxpayer, under such conditions as the board may prescribe, may deposit with the State Treasurer an amount of lawful money equivalent to the amount of the bond or bonds or he may deposit bonds or other obligations of the United States, the State of California, or any county or city and county of this State of an actual market value not less than the amount of the bond or bonds fixed by the board.

24525. Upon receipt of a certificate of the board setting forth the amount of a taxpayer's delinquencies, the State Treasurer shall pay to the board the amount so certified from the money deposited with him by the taxpayer or from the amounts received from the sale of bonds or other obligations deposited with the Treasurer by the taxpayer. Securities deposited with the State Treasurer which have a prevailing market price may be sold by him for the purposes of this section at private sale at a price not lower than the prevailing market price thereof.

Article 6. Tax Determination by Board

Deficiency in return

24545. If the board is dissatisfied with the return or returns filed or amount of tax paid to the State by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one or for more than one month. The amount of tax so determined shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment. In making a determination, the board may offset overpayment for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments. If any part of the deficiency for which a determination of an additional amount due is made is found to have been occasioned by negligence or intentional disregard of this division or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as above provided. If any part of the deficiency for which a determination of an additional amount due is made is found to be occasioned by

fraud or an intent to evade this division or authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as above provided. The board shall give to the taxpayer written notice of its determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the taxpayer at his address as it appears in the records of the board.

Failure to make return

24546. If any taxpayer fails to make a return required by this division, the board shall make an estimate, based upon any information available to it, for the month or months with respect to which the taxpayer failed to make a return of all alcoholic beverages sold in this State by him. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 5 percent thereof. One or more determinations may be made of the amount of tax due for one or for more than one month. The amount of tax so determined shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been returned until the date of payment. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on the underpayments. If any part of the deficiency for which a determination is made is due to negligence or intentional disregard of this division or authorized rules, an additional penalty of 10 percent of the amount of the determination shall be added. If the neglect or refusal of a taxpayer to file a return as required by this division was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to 25 percent thereof in addition to the 5 percent penalty. The board shall give to the taxpayer written notice of the estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by Section 24545.

Petition for redetermination

24547. Any person from whom an amount is determined to be due under Sections 24545 or 24546 or any person directly interested may petition for a redetermination thereof within 15 days after service upon him of notice of the determination. If a petition for redetermination is not filed within the 15-day period, the amount determined to be due becomes final at the expiration thereof. If a petition for redetermination is filed within the 15-day period, the board shall reconsider the amount determined to be due, and if the person has so requested in his petition, shall grant him an oral hearing and shall give him 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

The board may decrease or increase the amount of the determination. The amount of the determination may be increased, however, only if claim for the increase is asserted by the board at or before the hearing.

The order or decision of the board upon a petition for redetermination shall become final 15 days after service upon the petitioner of notice thereof.

All amounts determined to be due by the board under Sections 24545 or 24546 are due and payable at the time they become final, and if not paid when due and payable, there shall be added thereto a penalty of 10 percent of the amount determined to be due.

Any notice required by this section shall be served personally or by mail in the same manner as prescribed for service of notice by Section 24545.

Jeopardy determination

24548. If the board believes that the collection of any amount of tax will be jeopardized by delay, it shall thereupon make a determination of the amount of tax due, noting that fact upon the determination, and the amount of tax shall be immediately due and payable. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid, or a petition for redetermination is not filed, within 10 days after the service upon the taxpayer of notice of the determination, the determination becomes final, and the delinquency penalty and interest provided in Sections 24496 and 24499 shall attach to the amount of tax specified therein.

Petition, etc.

24549. The taxpayer against whom a jeopardy determination is made may file a petition for the redetermination thereof with the board within 10 days after the service upon him of notice of the determination, but he shall within the 10-day period deposit with the board such security as it deems necessary to insure compliance with the provisions of this division. The security may be sold by the board at public sale if it becomes necessary in order to recover any amount due under this division. Notice of the sale may be served upon the person who deposited the security personally or by mail in the same manner as prescribed for service of notice by Section 24545. Upon any such sale, the surplus, if any, above the amount due under this division shall be returned to the person who deposited the security.

Period for notice

24550. Except in the case of a fraudulent return or neglect or refusal to make a return, every notice of a determination of an additional amount due shall be given within three years after the date when the amount should have been returned.

Article 7. Enforcement of Tax Liability

Actions for collection

24575. The board may bring such legal actions as are necessary to collect any deficiency in the tax required to be paid, and, upon the board's request, the Attorney General shall bring the actions.

Garnishment

24576. If any taxpayer is delinquent in the payment of any obligations imposed by this division, the board may give notice of the amount of the delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to the taxpayer, or owing any debts to the taxpayer, at the time of the receipt

by them of the notice. Thereafter any person so notified shall neither transfer nor make other disposition of such credits, personal property, or debts until the board has consented to a transfer or disposition or until 20 days have elapsed from and after the receipt of the notice. All persons so notified shall, within five days after the receipt of the notice, advise the board of all such credits, personal property, or debts, in their possession, under their control, or owing by them, as the case may be.

Certificate prima facie evidence

24577. In any suit brought to enforce the rights of the State with respect to taxes, a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency of the amount of tax, interest, and penalty set forth therein, and of compliance by the board with all provisions of this division in relation to the computation and levy of the tax. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment shall be required.

Special judgment

24578. Whenever any tax, interest, or penalty is not paid when due, the board may file in the office of the County Clerk of Sacramento County or any other county a certificate specifying the amount of the tax, interest, and penalty due, the name and last known address of the taxpayer liable for it, that the board has complied with all the provisions of this division in relation to the computation and levy of the tax, and requesting that judgment be entered against the taxpayer in the amount of the tax, interest, and penalty set forth in the certificate. The county clerk immediately upon the filing of the certificate shall enter a judgment for the people of the State of California against the taxpayer in the amount of the tax, interest, and penalty set forth in the certificate. The judgment may be filed by the county clerk in a loose-leaf book entitled "Special Judgments for State Excise Tax."

Judgment lien

24579. An abstract or copy of the judgment entered under Section 24578 may be recorded with the county recorder of any county, and from the time of such recording, the amount of the taxes, interest, and penalty set forth in the judgment shall constitute a lien upon all the real property owned by the taxpayer in the county or which he may acquire afterwards and before the lien expires, which lien shall have the force, effect, and priority of a judgment lien. Execution shall issue upon such a judgment upon the request of the board in the same manner as execution may issue upon other judgments, and sales shall be held under the execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the board shall act on behalf of the people of the State of California.

Property seizure and sale

24580. Whenever any taxpayer is delinquent in the payment of the tax, the board or its authorized representative may seize any property, real or personal, of the taxpayer, and sell at public auction the property seized, or a sufficient portion thereof, to pay the tax due, together with any penalties imposed for the delinquency and all costs that have been incurred on account of the seizure and sale.

Publication of notice of sale

24581. Written notice of the intended sale, and the time and place thereof, shall be given to the delinquent taxpayer and to all persons appearing of record to have an interest in the property at least 10 days before the date set for the sale by enclosing the notice in an envelope addressed to the taxpayer at his last known residence or place of business in this State as appears upon the records of the board, if any, and depositing it in the United States registered mail, postage prepaid. The notice shall also be published for at least 10 days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper of general circulation in the county, the notice shall be posted in three public places in the county for the 10-day period. The notice shall contain a description of the property to be sold, a statement of the amount of the taxes, penalties, and costs, the name of the taxpayer, and the further statement that unless the taxes, penalties, and costs are paid on or before the time fixed in the notice for the sale, the property, or so much thereof as may be necessary will be sold in accordance with law and the notice.

Sale

24582. At the sale the property shall be sold by the board or by its authorized agent in accordance with law and the notice, and the board shall deliver to the purchaser a bill of sale for the personal property and a deed for any real property sold. The bill of sale or deed vests title in the purchaser subject to a right of redemption as prescribed in the Code of Civil Procedure upon sales of real property on execution. The unsold portion of any property seized may be left at the place of sale at the risk of the taxpayer.

Disposition of excess proceeds

24583. If upon the sale the moneys received exceed the amount of all license taxes, penalties, and costs due the State from the taxpayer, the board shall return the excess to him and obtain his receipt. If any person having an interest in or lien upon the property files with the board prior to the sale notice of his interest, the board shall withhold any excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the taxpayer is not available, the board shall deposit the excess moneys with the State Treasurer, as trustee for the owner, subject to the order of the taxpayer, his heirs, successors, or assigns.

Remedies cumulative

24584. The remedies of the State provided for in this article are cumulative, and no action taken by the board or Attorney General constitutes an election by the State or any of its officers to pursue any remedy to the exclusion of any other remedy for which provision is made in this division.

Article 8. Overpayments and Refunds

Overpayment

24605. If the board determines that any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify

to the State Board of Control the amount collected in excess of what was legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited on any amounts then due from the person under this division, and the balance shall be refunded to the person, or his successors, administrators, or executors.

Claims for refund or credit

24606. No refund shall be allowed unless a claim therefor is filed with the State Board of Equalization within three years from the fifteenth day after the close of the monthly period for which the overpayment was made, or, with respect to determinations made under Sections 24545 and 24546, within six months after the determinations become final, whichever period expires the later. No credit shall be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the board within such period. Every claim for refund or credit shall be in writing and shall state the specific grounds upon which the claim is founded.

Waiver

24607. Failure to file a claim within the time prescribed in this article constitutes a waiver of all demands against the State on account of the overpayment.

Notice of disallowance

24608. Within 30 days after disallowing any claim in whole or in part, the board shall serve written notice of its action on the claimant, such service to be made as provided by Section 24545.

Interest

24609 Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the fifteenth day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the fifteenth day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

24610. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon

Suit to prevent collection of tax prohibited

24611. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of any tax sought to be collected.

Action on claim for refund, etc

24612. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been

erroneously or illegally assessed or collected unless a claim for refund or credit has been duly filed.

24613. Within 90 days after the mailing of the notice of the board's action upon a claim for refund or credit, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

24614 If the board fails to mail notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the board, consider the claim disallowed and bring an action against the board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

24615. Failure to bring suit or action within the time specified in this article constitutes a waiver of all demands against the State on account of any alleged overpayments.

24616. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any taxes due from the plaintiff, and the balance shall be refunded to the plaintiff.

24617. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

24618. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any tax paid when the action is brought by or in the name of an assignee of the taxpayer paying the tax or by any person other than the person who has paid the tax.

Action on erroneous refund, etc

24619. The Controller may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California, and the action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of place of trial. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Illegal determination

24620. If any amount has been illegally determined, the board shall certify this fact to the State Board of Control and the latter shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 10. ALCOHOLIC BEVERAGES FAIR TRADE CONTRACTS AND PRICE POSTING

Allowable contract provisions

24750. No contract relating to the sale or resale of any alcoholic beverage which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or

owner of the alcoholic beverage and which is in fair and open competition with alcoholic beverages of the same general class produced by others violates any law of this State by reason of either of the following provisions which may be contained in such contract:

(a) That the buyer will not resell the alcoholic beverage except at the price stipulated by the vendor.

(b) That the producer or vendee of the alcoholic beverage require, upon the sale of the alcoholic beverage to another, that the purchaser agree that he will not, in turn, resell except at the price stipulated by the producer or vendee.

Implied conditions

24751. The provisions authorized by Section 24750 in any contract imply conditions that the alcoholic beverage may be resold without reference to the agreement in the following cases:

(a) In closing out the owner's stock for the purpose of discontinuing delivery of any such alcoholic beverage. At the place of any such sale and upon the goods sold and in any advertisement in connection therewith public notice shall be given of the character of the sale as a close out sale. The alcoholic beverage shall first be offered to the manufacturer or vendor thereof at the original invoice price at least 10 days before it is offered for sale to the public.

(b) When the alcoholic beverage or container is damaged or deteriorated in quality, and notice of this fact is given to the public at the place of any such sale and upon the goods sold and in any advertisement in connection therewith.

(c) By any officer acting under the orders of any court.

Violation of provisions

24752. Wilfully and knowingly advertising, offering for sale, or selling any alcoholic beverage at less than the price stipulated in any contract entered into pursuant to this chapter, whether the person so advertising, offering for sale, or selling is or is not a party to the contract, is unfair competition and is actionable at the suit of any person damaged thereby.

Exceptions

24753. This chapter does not apply to any contract or agreement between producers or between wholesalers or between retailers as to sale or resale prices.

Containers, etc

24754. The provisions of this chapter apply to the containers, cartons, cases, or bottles for alcoholic beverages.

Applicable law

24755. All distilled spirits sold at retail shall be, and any other alcoholic beverage may be, sold pursuant to a contract executed pursuant to this chapter, except that Chapter 11 shall govern the sale of wine in all cases in which that chapter is applicable. No licensee shall violate any of the provisions of any such contract.

Filing price list

24756. Every distilled spirits manufacturer, brandy manufacturer, rectifier, and wholesaler shall file and maintain with the board a price list showing the prices at which distilled spirits are sold to retailers by the licensee. Sales of distilled spirits to retailers by each distilled spirits manufacturer, brandy manufacturer, rectifier, and wholesaler shall be made

in compliance with the price list of the licensee on file with the board.

Rules

24757. The board may adopt such rules as it determines to be necessary for the administration of Sections 24754 to 24756, inclusive.

CHAPTER 11. WINE FAIR TRADE CONTRACTS AND PRICE POSTING

24850. Words and phrases used in this chapter shall have the meanings given them by this division except as otherwise indicated in this chapter.

Definitions

24851. "Bottled wine" means wine packaged in individual containers of one gallon or less.

24852. "Bulk wine" means wine packaged in individual containers of over one gallon or wine transferred via pipeline or shipped in tank cars or tank trucks.

24853. "Class" and "type" of wine mean class and type as defined or provided for by regulations of the U. S. Treasury Department and the State Department of Public Health

24854. "Competitive price" is a price of a similar item of wine (at which actual sales were made) 10 percent greater or less than the single case price to retailers and the single bottle price to consumers at any time during the three-month period immediately preceding the effective date of any price filing, if the competitively priced item is neither owned nor controlled, in whole or in part, either directly or indirectly, by the same brand owner or an affiliated company or corporation.

For the purposes of this section, "affiliated company or corporation" includes, but is not limited to, companies or corporations as to which any of the following conditions prevail:

(a) The companies or corporations are owned or controlled by the same or substantially the same person or persons.

(b) One company or corporation owns all or substantially all of the issued capital stock of the other.

(c) One company or corporation is controlled by another, directly or indirectly, through ownership of issued capital stock or otherwise.

(d) All the capital stock of two companies or corporations is owned by the same person or persons.

24855. "Consumer" means a person who buys wine for consumption off the premises where sold.

24856. "Effective" means a fair trade contract or price schedule, including changes therein filed, published, mailed or posted, and in effect.

24857 "File" or "post" means to mail or deliver fair trade contracts, price schedules, or changes in either to the Sacramento office of the board. If mailed, they shall be deemed to be filed on the dates prescribed in this chapter only if postmarked in California at least two days before the applicable prescribed date.

24858. "Item of wine" means wine that differs from all other wine in its brand name, secondary brand name, form of label, class or type, vintage date, special or gift package, number of bottles in a case, or size of bottles. An item of wine is similar if all the elements listed above are the same except its brand name, secondary brand name, or form of label.

24859. "Licensee" means any person holding a license which authorizes the sale of wine.

24860. "Person" includes any California licensee or any person without the State who sells wine to licensees

24861. "Sell" includes advertisements and contracts to sell

Compliance with price schedule, etc

24862. No licensee shall in this State sell or resell to a retailer or consumer, and no retailer shall in this State buy any item of wine except at the selling or resale price thereof contained either in an effective price schedule or in an effective fair trade contract as authorized by Chapter 10 of this division, unless otherwise provided in this chapter.

Exceptions

24863. This chapter does not apply to either of the following.

(a) Sales of bulk wine, except where bulk wine is sold and bottled by the seller for the purchaser, in which case posting is required as provided in this chapter for bottled wine.

(b) Sales to consumers for consumption on the premises.

Trading areas

24864. For the purpose of providing different selling or resale prices, the State may be divided into the following trading areas:

(a) Mountain trading area, which consists of the Counties of Del Norte, Siskiyou, Modoc, Shasta, Trinity, Humboldt, Lassen, Mendocino, Tehama, Plumas, Butte, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono, Inyo, and Imperial.

(b) Northern California trading area, which consists of all counties lying north of the southern boundaries of San Luis Obispo, Kern, and Inyo Counties which are not included in the mountain trading area.

(c) Southern California trading area, which consists of all the counties lying south of the boundaries of the three counties named in subdivision (b) which are not included in the mountain trading area.

Specified and minimum prices

24865. For the Southern California and the Northern California trading areas the selling and resale prices shall be specified prices. For the mountain trading area the selling and resale prices may be minimum prices, except that the minimum prices shall not be less than the specified prices for the Northern California trading area, and except that the minimum prices provided for counties in the mountain trading area lying south of the southern boundaries of San Luis Obispo, Kern, and Inyo Counties shall not be less than the specified prices for the Southern California trading area

Wine growers', etc., duties to post price schedules, etc.

24866. Each wine grower, wholesaler licensed to sell wine, wine rectifier, and rectifier shall:

(a) Post a schedule of selling prices of wine to retailers or consumers for which his resale price is not governed by a fair

trade contract made by the person who owns or controls the brand.

(b) Make and file a fair trade contract and file a schedule of resale prices, if he owns or controls a brand of wine resold to retailers or consumers.

24867. Each person without the State who owns or controls a brand of wine resold to retailers or consumers in this State shall designate in writing one licensee who imports the brand of wine to make and file a fair trade contract and file a schedule of resale prices for the brand.

24868. Each off-sale retailer who owns or controls a brand of wine sold to consumers shall post a schedule of selling prices for the brand.

Price schedule, etc., contents

24869. Each price schedule and fair trade contract, in addition to such other information, and on such form, as the board may prescribe, shall contain all of the following:

(a) General information, including the name and address of the licensee filing, the name and address of the seller or brand owner without the State, if any, for whom the licensee is filing, the trading area or areas covered, and restrictions on distribution or resale, if any.

(b) Information identifying each different item of wine, including the brand name, secondary brand name, if any, form of label, if more than one form used, class and type of wine, vintage date, if shown on label, special or gift package, if any, number of bottles in case, and size of bottles.

(c) Information as to basic prices of each item, f.o.b. selling premises or delivered, or both, including, where applicable, basic case and bottle selling and resale prices to retailers and to consumers.

(d) Information as to discounts and additional charges, including quantity and prompt payment discounts and broken case charge to retailers, if any.

Price inclusions

24870. Basic selling and resale price shall include customs duties, if any, federal and California excise taxes, California marketing order assessments, if applicable, plus any other legal charge not required to be shown in the price schedule except California sales tax. Selling price and resale price shall be the basic selling price or the basic resale price, respectively, less discounts, plus broken case charges contained in the applicable price schedule or fair trade contract.

The selling price contained in any schedule of selling prices shall be the same as the resale price contained in an effective fair trade contract and schedule of resale prices filed by the same licensee.

Buyer's label

If bulk wine is bottled for a buyer under the label of the bottler, the selling price to the buyer of the wine so bottled shall be the same as the selling price contained in an applicable schedule of selling prices posted by the bottler for wine carrying that label.

Limitation on number of prices

Not more than three different prices to retailers or to consumers shall be permitted for the same brand of bottled wine

differing only in the secondary brand name, the form of label, such as color scheme, number of stars, etc., or in some other way not pertaining to the class or type, vintage date, if shown on the label, or special or gift package.

24871. Quantity discounts to retailers shall be permitted only when actual delivery of a single order is begun and completed to the same premises within a period not to exceed 48 hours, except in the case of accident, strike, insurrection, riot, or act of God, and then delivery shall be made within 48 hours after such occurrence ends. The total quantity and prompt payment discounts, if any, to retailers shall not exceed the following: Quantity discounts

Less than 5 cases	No discount
5 or more cases but less than 10 cases	1 % discount
10 or more cases but less than 25 cases	2 % discount
25 or more cases but less than 100 cases	4 % discount
100 or more cases but less than 200 cases	6½% discount
200 or more cases	10 % discount

Quantity discounts to consumers shall not exceed 10 percent per case for case lots of the same brand.

Prompt payment discounts to retailers shall be permitted only when the seller actually receives payment in cash or its equivalent within the specified period after date of delivery. Postdated checks or checks returned for nonpayment shall not be deemed the equivalent of cash. Prompt payment discounts

Permitted discounts shall not be taken in merchandise.

24872. Fair trade contracts and price schedules for wine available for sale for the first time shall be made and filed on or before the tenth of any month. Filing of price schedules, etc

Adding an item to, removing an item from, or changing any charge, discount, or price in, any price schedule or fair trade contract constitutes a change in the price schedule or fair trade contract.

Monthly changes shall be filed on or before the tenth of any month. After the tenth and on or before the twentieth of any month, any price may be lowered to meet a competitive price filed for the first time on or before the tenth of the same month. After the twentieth and on or before the last day of any month, any price may be lowered to meet a competitive price filed for the first time after the tenth and on or before the twentieth of the same month. Any price filed after the tenth of any month shall be accompanied by the name and address of the competitor whose price is being met, with a complete identification of the competing item, including the price. Any price filed after the twentieth of any month shall be filed on a supplemental price schedule listing the lowered prices only.

A lowering of price to meet a competitive price may be a reduction by any amount desired, but in no event shall the reduction be to an amount below the competitive price.

If a change occurs in the body of a fair trade contract, a copy of the changed fair trade contract shall be filed at the

same time that the changed price schedule affected thereby is filed.

Price schedules, fair trade contracts, or changes therein shall become effective on the first day of the month following the month of filing, except as otherwise provided in this chapter.

Compliance with federal pricing laws

24873. For the purpose of complying with the General Ceiling Price Regulation, Economic Stabilization Agency, or with any other applicable federal law, ruling, rule, or regulation respecting prices, or for the purpose of increasing a price or prices when an increase in ceiling price is authorized by any such law, ruling, rule, or regulation, price schedules and fair trade contracts, or changes therein, may be filed with the board at any time and shall become effective immediately upon filing If filed because of an authorized increase in ceiling price, the applicable price schedule and fair trade contract, or changes therein, shall be filed with the board not later than the twentieth day of the month following the month in which the increase in ceiling price is first authorized.

Publication of the price schedules or changes therein shall be made as provided in Section 24875 on or before the first day of the month following the month in which the price schedules or changes therein are filed with the board. The price schedules or changes therein shall contain the statement: "Filed to comply with federal pricing laws and regulations" or "Filed to increase prices as first authorized on (inserting the date)." Notwithstanding any other provision of this chapter, price schedules and fair trade contracts, or changes therein, made effective pursuant to this section shall remain in effect until changed pursuant to this chapter.

Public inspection

24874. The board shall make price schedules or changes therein, or a composite thereof, available for public inspection.

Publication of price schedules

24875. Except for wine growers selling only to consumers at their licensed premises, every person filing a price schedule or change therein shall, at least once on or before the first of the month in which effective, publish the price schedule or change in a trade journal or industry price book printed and published in this State and of general circulation among licensees affected in this State In case of industry price books which are of general circulation among licensees in only some of the trading areas, the publication shall be in one industry price book of general circulation in each trading area.

Mailing alternative

Instead of publishing, the licensee may mail his price schedule or any changes therein to licensees affected. Schedules or supplemental schedules or changes therein shall be deposited in the United States Post Office before the date required for publication. If the affidavit prescribed herein is not filed before the date required for publication, the schedule, supplemental schedule, or changes therein are not effective until the affidavit is filed. A price filed after the twentieth and on or before the last day of any month becomes ineffective on the last day of the first month in which effective, and the applicable price shown on the last regular price schedule on file with the board shall

become re-effective unless the last regular price is changed pursuant to this chapter. Within five days after the mailing, the licensee shall file with the board a list of names and addresses of the licensees to whom the price schedules or changes are mailed, together with an affidavit of the person who deposited the schedules in envelopes addressed to the licensees whose names and addresses are set forth in the list. The affidavit is prima facie evidence of the facts stated therein. Same. Filing

Wine growers selling only to consumers at their licensed premises need not publish or mail their price schedules but shall post the schedules in that portion of their premises where sales are made where they can be readily inspected by consumers. Exception

24876. No licensee shall make any close-out sale, or sale when the wine or container is damaged or deteriorated in quality, under the implied conditions set forth in Section 24751 except after receiving permission from the board, which shall determine whether the proposed sale is bona fide. Close-out sales, etc.

A "close-out" sale within the meaning of this section means a bona fide close-out of a particular item of wine in the California market. Label changes which do not pertain to the class or type of wine, the vintage date, or the special or gift package, shall not be deemed to be "close-out."

Permission to make a close-out sale pursuant to Section 24751 shall be granted only if it appears that the stock of wine sought to be closed out has been on the market in this State for a period of not less than six months and was not brought into this State for the purpose of offering it, or any part of it, at a close-out sale.

Permission to make a sale of wine pursuant to Section 24751, when the wine or container is damaged or deteriorated in quality, shall be granted only if it appears that the facts of the case warrant the sale of the wine affected as damaged or deteriorated.

Petitions for permission to make close-out sales, or sales of damaged or deteriorated wine, shall state a full and complete description of the wine involved, in such detail as to distinguish the wine from all others, and shall include the federal serial numbers, if any, of the cases involved. The number of cases or bottles involved shall also be stated. The petitioner shall agree not to sell or handle the item closed out for at least six months after the close-out.

24877. The sale of any wine by a licensee in violation of the Unfair Practices Act is prohibited and is a violation of this chapter. Unfair Practices Act

24878. Except as otherwise provided in this chapter, the giving of, or offering to give, any rebate, free goods, combination deal, premium, allowance, unauthorized discount, floor stocks adjustment, or any other thing or service of value, directly or indirectly, in connection with the sale of wine subject to this chapter, or, in any other way circumventing this chapter Rebates, etc., prohibited

to effect a sale at a price other than the price shown in the applicable price schedule, is a violation of this chapter.

Exceptions

This section does not prohibit any cooperative buying group which on January 1, 1949, held a federal basic permit or was licensed by the board from giving, or its members from receiving, dividends or other adjustments from the general fund of the cooperative buying group. This chapter does not prohibit the furnishing of samples, advertising matter, and other selling aids as authorized by this division and rules issued pursuant to this division.

Returns to seller

24879. A retailer may return wine to the seller and the seller may accept the return thereof, but the seller may not sell wine to the retailer for a period of one year after the date the returned wine is accepted or received unless the wine is returned in exchange for the identical quantity, brand, and item of wine, or unless it is returned pursuant to court order.

Suspension and revocation of licenses

24880. For a violation of any of the provisions of this chapter or rules adopted pursuant to this chapter, the board may suspend or revoke a license as follows:

(a) For a first offense, not exceeding 10 days' suspension.

(b) For a second offense, not exceeding 30 days' suspension.

(c) For a third offense, the board may suspend or revoke a license.

24881. The board may adopt such rules as it determines to be necessary for the administration of this chapter.

Chapter 12. Beer Price Posting and Marketing Regulations

Filing of price schedule

25000. Each manufacturer, importer, and wholesaler of beer shall file and thereafter maintain on file with the board, in triplicate and in such form as the board may provide, a written schedule of selling prices charged by the licensee for beer sold and distributed by him within the State for delivery and use therein.

Changing of schedule

25001. The schedule of prices filed may be changed or modified from time to time by the licensee filing it by filing with the board either a new and complete schedule of prices or an amendment thereto of changed or modified prices, as the board may by rule require.

Date schedules effective

25002. The first schedule of prices filed by a licensee shall be effective immediately upon filing, but an amendatory schedule or amendments to a prior filed schedule is not effective until ten (10) days after the filing date thereof, except that if any licensee has filed a new schedule or amendments to a prior filed schedule to meet lower posted and filed competing prices in a trade area, and the prices thus posted are not lower than the competing prices sought to be met, the new schedule or amendments shall go into effect immediately if the competing prices are already effective, or at the same time as the competing prices become effective.

Public inspection

25003. Filed price schedules shall be subject to public inspection and shall not in any sense be considered confidential.

Each filing licensee shall retain in his licensed premises for public inspection a copy of his effective posted and filed schedule.

Departure from schedule a misdemeanor

25004. Upon the filing of an original schedule of prices and after the effective date of any schedule of amendatory prices, all prices therein stated shall be strictly adhered to by the filing licensee, and any departure or variance therefrom by a licensee is a misdemeanor. Each sale or transaction involving a violation of posted prices under this chapter is but a single offense or violation of this chapter regardless of the number of articles covered by the sale or transaction.

25005. Any director, officer, agent, or employee of any licensee who knowingly assists or aids in the violation of this chapter or any effective posted price or any rule of the board passed to carry out the provisions of this chapter is guilty of the violation equally with the licensee.

Adoption of rules, hearing

25006. The board may adopt such rules, including but not limited to rules respecting beer price posting, as will foster and encourage the orderly wholesale marketing and wholesale distribution of beer, but no such action shall be taken by the board except after public hearing and ten (10) days notice to all licensed manufacturers of beer in California of the time and place of the hearing and of the character of the action intended to be taken by the board.

Functional classes

25007. No manufacturer, importer, or wholesaler mentioned in this chapter is prohibited the right of choice of customers or prohibited from dividing his customers into functional classes and establishing different prices for the same article for the different functional classes, such different functional classes being based upon the manner in which the classes sell beer, as wholesaler or retailer.

Trade association may have violation enjoined

25008. Any trade association having as members licensed beer manufacturers representing more than half of the volume of beer produced and sold in California for three months prior to the date of a filing of any suit authorized in this chapter may maintain an action to enjoin a continuance of any act or acts in violation of this chapter or any rule adopted pursuant thereto and, if injured thereby, for the recovery of damages. If in the action the court finds the defendant is violating or has violated any of the provisions of this chapter or any rule adopted pursuant thereto, the court shall enjoin the defendant from a continuance or further violation thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved in the action, and proof of a violation of this chapter or any rule adopted pursuant thereto shall be presumptive evidence of an intention to continue to violate this chapter or any such rule.

Records etc., as evidence

25009. Any defendant in any action brought under this chapter or any person who may be a witness therein under Sections 2021, 2031 or 2055 of the Code of Civil Procedure and the books and records of any such defendant or witness may be brought into court and the books and records may be introduced by reference into evidence, but no information so obtained may

be used against the defendant or any such witness as a basis for a misdemeanor prosecution under this chapter.

Suspension or revocation of license

25010. The board shall not suspend or revoke the license of any licensee for a violation of the provisions of this chapter or a rule adopted pursuant thereto unless he has committed, within a period of one year, at least three separate violations of the provisions of this chapter or of any rule adopted pursuant thereto, and the violations have been proved by any of the following methods:

(a) A conviction for misdemeanor.

(b) A judgment in a civil suit for injunction as provided in this chapter.

(c) A finding of the board, if a hearing is held in accordance with Chapters 7 and 8 of this division.

CHAPTER 13. LABELS AND CONTAINERS

Article 1. Distilled Spirits

Requirement of label

25170. Any person who delivers to the premises of any on- or off-sale general licensee, or any on- or off-sale general licensee who has upon his licensed premises, or any person who possesses any distilled spirits the container of which does not bear a label plainly indicating the quantity and proof strength of the contents and the name of the manufacturer, rectifier, importer, or wholesaler thereof is guilty of a misdemeanor. To the extent that such information is blown into the glass of the container, it constitutes a compliance with this section.

Minimum and maximum containers

25171. Any rectifier or wholesaler of distilled spirits who delivers to the premises of any on- or off-sale general licensee or any on- or off-sale general licensee who sells or has in his possession at the licensed premises distilled spirits in packages containing more than one gallon or less than one-half pint is guilty of a misdemeanor, except that this section does not apply to packages of distilled spirits in containers less than one-half pint which are sold and delivered to railroad, sleeping car, or steamship companies for use and consumption on trains or boats.

Exception

For use in trades, etc

25172. Any unlicensed person or any on- or off-sale general licensee who has in his possession any distilled spirits in packages or containers larger than one gallon is guilty of a misdemeanor, unless the distilled spirits have been sold and delivered to the person or licensee by the holder of an industrial alcohol dealer's, distilled spirits manufacturer's, brandy manufacturer's, or rectifier's license for use in the trades, professions, or industries

25173. Any industrial alcohol dealer, distilled spirits manufacturer, brandy manufacturer, or rectifier who delivers undenatured ethyl alcohol or other distilled spirits in packages of more than one gallon for use in the trades, professions, or industries is guilty of a misdemeanor, unless the packages bear a label plainly stating the true and correct name and address

of the industrial alcohol dealer, distilled spirits manufacturer, brandy manufacturer, or rectifier.

Seizure

25174. The board may seize any distilled spirits sold served, removed, possessed, delivered, or held in any manner in violation of Sections 25170 to 25173, inclusive.

Sale of product labeled whiskey

25175. Any person who sells at retail any potable spirituous liquor product labeled as whiskey, including blended whiskey and blends of straight whiskeys, except products containing 20 or more percent of straight whiskey or whiskeys which have been aged in charred oak containers for four or more years after distillation and before bottling is guilty of a misdemeanor, except that this section does not prohibit the sale at retail of unaged corn whiskey, when so labeled, or the sale at retail of gins, brandies, rums, cordials, liqueurs, bitters, or other distilled liquor products, or products compounded of distilled spirits and other materials, when in no wise labeled as whiskey or blended whiskey or blends of straight whiskeys, or the sale at retail of Scotch whiskies.

Refilling distilled spirits package a misdemeanor

25176. Every person who refills or causes to be refilled with distilled spirits any distilled spirits package to which has been affixed a stamp evidencing the payment of United States internal revenue taxes levied on the distilled spirits is guilty of a misdemeanor.

25177 Every person who sells, offers for sale, or keeps for sale distilled spirits in any package which has been refilled or partly refilled is guilty of a misdemeanor.

Destruction of bottle required

25178. Any on-sale general licensee or any person employed by such licensee who empties a bottle containing distilled spirits shall immediately after emptying the bottle destroy the bottle

25179. Every on-sale general licensee shall provide at all service counters where distilled spirits are poured from bottles the necessary facilities for the destruction of bottles so that persons emptying distilled spirits bottles may immediately destroy them.

Same Penalty

25180. Any alcoholic beverage licensee, except a manufacturer or rectifier of distilled spirits, who is found in possession of an emptied distilled spirits bottle which has not been destroyed is guilty of a misdemeanor and, in addition to any other punishment provided by law, shall be fined five dollars ($5) for each emptied distilled spirits bottle found on his premises

Article 2. Beer

Requirement of label

25200. All beer sold in this State shall have a label affixed to the package or container thereof, upon which shall appear the true and correct name and address of the manufacturer of the beer, and also the true and correct name of the bottler of the beer if other than the manufacturer. No manufacturer, importer, or wholesaler of beer shall use a container or carton as a package or container of a beer other than such beer as is manufactured by the manufacturer whose name or brand of beer appears upon the container or carton, or use as a package

or container of a beer a container or carton which bears the name of a manufacturer of beer or the brand of any beer other than those of the manufacturer of the beer contained in the container or carton.

Single-trip cartons

25201. The provisions of Section 25200, with respect to corrugated paper cartons commonly known as single-trip cartons and used as a package for beer, shall apply during the continuation of hostilities in any wars in which the United States may become engaged, except during such time as the manufacturers representing the major part of the production of beer in California during the calendar year next preceding the filing of the petition file with the board a petition stating a sufficient supply of such corrugated paper cartons is not available to the California brewing industry to permit compliance with Section 25200 in connection with such containers or cartons, and the board upon hearing finds the facts of the petition to be true and this finding remains standing and unrevoked. The board shall record in its records its decision and conclusion on the petition.

Obliteration of brand names etc

25202. Manufacturers' names, brand names, print, or markings first placed on returnable beer containers or cartons made of wood or fiber board shall not be obliterated, mutilated, or marked out without the written consent of the manufacturer whose name, brand, or printed markings is to be obliterated, mutilated, or marked out. This section does not apply to wood or fiber board containers or cartons of a beer manufacturer who has discontinued business and production and is no longer a licensed beer manufacturer.

Filing of brand name

25203. Every manufacturer or bottler of beer in this State or elsewhere whose beer is sold within the State shall file with the board the brand name or names under which he sells or labels his draught beer sold in the State.

25204. Each such manufacturer or bottler shall be allowed two brand names which he shall designate as his main or principal brands of draught beer, and any other brand name or names under which he sells, labels, or packages his draught beer shall be known as secondary labels.

Draught beer

25205. Whenever a draught beer is given, sold, or dispensed by an on-sale licensee under any secondary brand name or label, the tap sign or draught beer signs required by Section 25613 to be displayed shall also contain the name and address of the manufacturer or bottler of the draught beer so given, sold, or dispensed by the on-sale licensee, which name and address shall be displayed in the same manner and with the same effect and purpose as the brand name.

25206. No retailer shall dispense any draught beer upon which the proper tap sign or draught beer sign is not displayed or the manufacturer or bottler of which has not complied with this article.

25207. No draught beer shall be given, sold, or dispensed under a name or brand other than a name or brand filed with

the board pursuant to this article and under which the draught beer is sold, labeled, or packaged by a manufacturer or bottler.

Maximum size container

25208. No beer intended for sale in the State, except for export, shall be contained in bottles, jugs, or cans having a capacity of more than 64 ounces, nor shall beer in bottles, jugs, or cans of a capacity in excess of 64 ounces be sold to or purchased by an on-sale or off-sale licensee in the State. Nothing in this article prohibits the possession or sale by a qualified licensee of draught or unpasteurized beer from or in metal or wood kegs of a capacity of three and one-half ($3\frac{1}{2}$) gallons or more.

Single-trip beer bottles

25209. Empty single trip beer bottles shall not be returned to a beer manufacturer or wholesaler or offered for return to a beer manufacturer or wholesaler by or for any licensee either alone or mixed with returnable beer bottles. Nothing contained in this section prohibits a manufacturer of glass from accepting return of such bottles to be used as cullet.

25210. As used in this article "single trip beer bottles" means any bottle as described in Exhibit B-12 and B-13 of Schedule B to Limitation Order L-103 of the War Production Board as such order was amended January 4, 1943, and as set forth in Volume 8, Number 2, pages 117 to 119, inclusive, of the Federal Register, and also includes bottles which, before their first use, are of a pressure resistance or industrial use or reuse less than that of the stubby, steinie, export, or select standard returnable beer bottle used principally and generally to bottle or contain beer in the malt beverage industry in the United States on January 4, 1943.

25211. Single trip beer bottles used by licensees shall be as described in Exhibit B-12 or B-13 mentioned in Section 25210 or shall be so designed as to contour, shape, or other external characteristics as to be reasonably distinguishable from the steinie, export, or select standard returnable bottles mentioned in Section 25210 and shall be lettered plainly on shoulder or face, "not to be refilled," or "no return," or language of similar import.

25212. Ale bottles as described in Exhibits B-10-A and B-11 of Schedule B of Order L-103 mentioned in Section 25210 or as generally in use to bottle ale in the malt beverage industry in the United States on January 4, 1943, are not "single trip beer bottles" as defined in this article, such ale bottles being in fact standard returnable bottles for ale.

Article 3. Wine

Wine containers

25235. It is unlawful for any person to sell to any on- or off-sale licensee or to deliver to the premises of any on- or off-sale licensee, or for any on- or off-sale licensee to sell or to have upon his licensed premises, wine packaged or bottled in any pocket flask container of less than one-fifth gallon, the face of which is substantially rectangular and the minimum thickness of which is less than two-thirds of its maximum width, the measurements to be made on the cross-sectional axes, excluding

the neck portion of the container. This section does not apply to the possession of wine in such containers on the premises of a licensed wine grower or at the branch office or warehouse or United States bonded storeroom of the wine grower located away from his place of production or manufacture.

"California central coast counties dry wine"

25236. Only dry wine produced entirely from grapes grown within the Counties of Sonoma, Napa, Mendocino, Lake, Santa Clara, Santa Cruz, Alameda, San Benito, Solano, San Luis Obispo, Contra Costa, Monterey, and Marin may be labeled with the words "California central coast counties dry wine." It is unlawful to label any other wine with a label containing the words "California central coast counties dry wine."

The board may seize wine labeled in violation of this section, regardless of where found.

Unlawful representations

25237. It is unlawful to make any representation that a wine is produced entirely from grapes grown in the counties mentioned in Section 25236 unless the representation is true. This section applies to representations made on labels, advertising matter, letterheads, invoices, tags, signs, business cards, and all other representations of any kind whether oral, written, or printed.

Records required

25238. Every wine grower or bottler of wine of any kind within the counties specified in Section 25236 shall keep a record of all wine not produced by him and obtained and used by him for any purpose. The record shall show the date the wine is obtained, the amount thereof, the source from which obtained, the kind or type of wine, and, in detail, the purpose or purposes for which it is used. Each wine grower or bottler of wine shall keep a complete record showing the total amount of wine produced by him, or bottled by him, made entirely from grapes grown within the counties mentioned in Section 25236.

CHAPTER 14. SEIZURE AND FORFEITURE OF PROPERTY

Seizable beverages

25350. The board may seize the following alcoholic beverages:

(a) Alcoholic beverages manufactured or produced in this State by any person other than a licensed manufacturer or wine grower, regardless of where found.

(b) Beer and wine upon the sale of which the excise tax imposed by this division has not been paid, regardless of where found.

(c) Distilled spirits except (1) distilled spirits located upon premises for which licenses authorizing the sale of the distilled spirits have been issued; (2) distilled spirits consigned to and in the course of transportation to a licensee holding licenses authorizing the sale of the distilled spirits or for delivery without this State; (3) distilled spirits upon the sale of which the excise tax imposed by this division has been paid; (4) alcohol or distilled spirits in the possession of a person who has lawfully purchased it for use in the trades, professions, or industries and not for beverage use.

(d) Any alcoholic beverage possessed, kept, stored, or owned with the intent to sell it without a license in violation of this division.

Penalty

25351. Any person who possesses alcoholic beverages which are subject to seizure under Section 25350 is guilty of a misdemeanor.

Seizure of stills

25352. The board or its employees may seize any unlicensed still, whether in actual operation or not and whether assembled for operation or dismantled, any parts of such stills, and any materials or supplies capable of being used for the manufacture of alcoholic beverages which are found on or about the premises where any unlicensed still or parts thereof are found. The board or its employees may also seize any implements, instruments, vehicles, and personal property in the place or building, or within any yard or enclosure, where any unlicensed still or parts thereof are found

Statutory forfeiture

25353. When alcoholic beverages or any other property are seized pursuant to this division, the alcoholic beverages or other property shall be forfeited to the State, and all such forfeitures are hereby declared to be statutory forfeitures.

Summary destruction

25354. Alcoholic beverages manufactured or produced in this State by any person other than a licensed manufacturer or wine grower, when seized for forfeiture under this division, may be disposed of by the board, its officers, or employees by summary destruction.

25355. Any alcoholic beverages or other property seized for forfeiture under this division, except automobiles or other vehicles, may be disposed of by the board, its officers, or employees by destruction or otherwise as provided in this division, upon order of the board made not less than 15 days after the date of seizure.

Petition

25356. Any person whose alcoholic beverages or other property, except automobiles or other vehicles, have been seized for forfeiture under this division, may, within 10 days after such seizure, petition the board to return the alcoholic beverages or other property upon the grounds that the alcoholic beverages or other property were illegally or erroneously seized

Hearing

25357. Any petition filed pursuant to Section 25356 shall be considered by the board within 60 days after filing, and an oral hearing shall be granted the petitioner if requested. The board shall serve notice of its decision upon the petitioner

25358. The board may order the alcoholic beverages or other property seized disposed of, or returned to the petitioner if illegally or erroneously seized.

Requests from state institutions etc

25359. Any beverage or other property seized by the board may be turned over to any state department or institution. The person in charge of any state department or institution may file with the board a request that beverages or other property of a kind specified in the request be turned over to the department or institution. No beverage or property for which a request has been made by a state department or institution shall be destroyed until all requests of state departments and institutions

for the type or kind of beverage or property have been complied with.

Forfeiture proceeding

25360. When alcoholic beverages or other property are seized or forfeited under this division and are not disposed of pursuant to Sections 25354 to 25359, inclusive, the alcoholic beverages or other property shall be subjected to a forfeiture proceeding in the superior court as provided in this chapter.

Notice and service

25361. Notice of the seizure and of the intended forfeiture proceeding shall be filed with the county clerk and shall be served on all persons, firms, or corporations having any right, title, or interest in the alcoholic beverages or other property seized. If the owner or owners are unknown or can not be found, notice of the seizure and intended forfeiture proceedings shall be made upon such owners by one publication in a newspaper of general circulation in the county where the seizure was made.

Answer

25362. Within 20 days after service of the notice of seizure and intended forfeiture proceedings, or within 20 days after the date of publication, the owner or owners of the alcoholic beverages or other property seized may file a verified answer to the fact of the alleged unlawful use of the alcoholic beverages or other property. The claimant of any right, title, or interest in the alcoholic beverages or other property seized may make a verified answer to establish his claim as provided in Section 25367. No extensions of time shall be granted for the purpose of making the verified answer.

Failure to answer

25363. If at the end of 20 days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of unlawful use and shall, upon proof thereof, order the alcoholic beverages or other property forfeited to the State.

Hearing

25364. If a verified answer has been filed, the forfeiture proceeding may be set for hearing on a day within 30 days from the date of filing, and notice of this proceeding shall be given to the owner or owners filing verified answers.

25365. At the time set for the hearing, any of the owners who have verified answers on file may show by competent evidence that the alcoholic beverages or other property were not in fact used contrary to the provisions of this division.

25366. If the fact is determined that the alcoholic beverages or other property were not used contrary to the provisions of this division, the court shall order the alcoholic beverages or other property released to the owner or owners thereof.

Mortgagees, etc.

25367. At the time set for the hearing the claimant of any right, title, or interest in the alcoholic beverages or other property under a lien, mortgage, or conditional sales contract which is officially of record may prove that the lien, mortgage, or conditional sales contract is bona fide and was created after a reasonable investigation of the moral responsibility, character, and reputation of the lienor, mortgagor, or vendee and without any knowledge that the alcoholic beverages or other property

was being, or was to be, used contrary to the provisions of this division.

25368. If the lienholder, mortgagee, or vendor proves the facts set forth in Section 25367, the court shall order the alcoholic beverages or other property released to him if the amount due to him is equal to, or in excess of, the value of the alcoholic beverages or other property. If the amount due to him is less than the value of the alcoholic beverages or other property, the alcoholic beverages or other property shall be sold at public auction by the board, and the remainder of the proceeds of the sale, after payment of the balance due on the purchase price, mortgage, or lien, shall be deposited in the State Treasury.

25369. In any case the Department of Finance may, within 30 days after judgment, pay the balance due to the bona fide or innocent purchaser, lienholder, mortgagee, or vendor and purchase the alcoholic beverages or other property for the State.

Disposition of property upon forfeiture

25370. Upon a judgment in favor of the forfeiture, the alcoholic beverages or other property shall be ordered turned over to the Department of Finance for disposition as follows:

(a) Delivery to the board for use in the needs of the board as may be requested by it.

(b) Delivery to any other state department, board, commission, officer, hospital, or institution.

(c) Sale at public auction, and when alcoholic beverages are sold at public auction they shall be sold only to licensees authorized to sell them.

Record of seizure

25371. When alcoholic beverages or other property are seized under this division, a record of the seizure and disposition shall be kept by the board.

Unauthorized disposition a felony

25372. Any member of the board, or officer, employee, or agent of the board, who disposes of any alcoholic beverages or other property seized under this division in any manner other than as directed by order of the court or the provisions of this division is liable to the State in a civil action and is guilty of a felony.

Property held as evidence

25373. Any peace officer of this State upon seizing any alcoholic beverages or other property may hold them as evidence until a forfeiture has been declared, a release ordered as provided in this chapter, or other disposition has been made pursuant to this division.

Exceptions

25374. Nothing contained in this chapter applies to common carriers or to an employee acting within the scope of his employment under this division.

CHAPTER 15. TIED-HOUSE RESTRICTIONS

Manufacturer's interest in on-sale license, etc.

25500. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person shall:

(a) Hold the ownership, directly or indirectly, of any interest in any on-sale license.

(b) Furnish, give, or lend any money or other thing of value, directly or indirectly, to, or guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises.

(c) Own any interest, directly or indirectly, in the business, furniture, fixtures, signs, except signs for interior use mentioned in subdivision (g) of Section 25503, refrigeration equipment, or lease in or of any premises operated or maintained under any on-sale license for the sale of alcoholic beverages for consumption on the premises where sold; or own any interest, directly or indirectly, in realty acquired after June 13, 1935, upon which on-sale premises are maintained unless the holding of the interest is permitted in accordance with rules of the board.

Manufacturer's supplying equipment to on-sale licensee, etc.

25501. No manufacturer, bottler, importer, or wholesaler of products of the brewing industry shall:

(a) Furnish, give, rent, lend, or sell, directly or indirectly, any equipment, fixtures, or supplies, other than alcoholic beverages, to any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises.

(b) Directly or indirectly, hold the ownership or any interest, by stock ownership or otherwise, in any firm, corporation, partnership, or business, furnishing, supplying, or dealing in any office, store, or restaurant furnishings or equipment, other than signs for interior use or supplies authorized to be given under this division to any person engaged in operating, owning, or maintaining any on-sale premises.

Manufacturer's owning off-sale license, etc.

25502. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, shall, except as authorized by this division, hold the ownership, directly or indirectly, of any off-sale general license for any premises, or own or control any interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, or mortgage of the premises or fixtures covered by an off-sale general license.

Nothing in this section prohibits any holder of a distilled spirits manufacturer's, manufacturer's agent's, rectifier's, or wholesaler's license, or any officer, employee, or representative of any such licensee, from acting as a trustee for any off-sale general licensee in any bankruptcy or other proceedings for the benefit of the creditors of the off-sale general licensee.

Prohibition on manufacturers, etc

25503. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, shall:

(a) Directly or indirectly, deliver the possession of any alcoholic beverages to any on- or off-sale licensee under an agreement of consignment whereby title to the alcoholic beverages is retained by the seller or whereby the licensee receiving

the alcoholic beverages has the right at any time prior to sale to relinquish possession to or return them to the original seller.

(b) Directly or indirectly, give any licensee or any person any alcoholic beverages as free goods as a part of any sale or transaction involving alcoholic beverages.

(c) Give secret rebates or make any secret concessions to any licensee or the employees or agents of any licensee, and no licensee shall request or knowingly accept from another licensee secret rebates or secret concessions.

(d) Give or furnish, directly or indirectly, to any employee of any holder of a retail on-sale or off-sale license only anything of value for the purpose or with the intent to solicit, acquire, or obtain the help or assistance of the employee to encourage or promote either the purchase or the sale of the alcoholic beverage sold or manufactured by the licensee giving or furnishing any thing of value, and any employee who accepts or acquires any thing of value contrary to the provisions of this subdivision is guilty of a misdemeanor.

(e) Wilfully or knowingly discriminate, in the same trading area, either directly or indirectly, in the price of any brand of distilled spirits sold to different retail licensees purchasing under like terms and conditions.

(f) Pay, credit, or compensate a retailer or retailers for advertising, display, or distribution service in connection with the advertising and sale of distilled spirits.

(g) Furnish, give, lend, or rent, directly or indirectly, to any person any decorations, paintings, or signs, other than signs for interior use of not to exceed in area 630 square inches for use in or about or in connection with any premises where alcoholic beverages are sold for consumption on the premises, or pay money or any thing of value for the privilege of placing or painting a sign or advertisement, or window display on or in any premises selling alcoholic beverages at retail.

Penalty

25504. Any person violating any provision of Sections 25500 to 25503, inclusive, is guilty of a misdemeanor, and any holder of any retail on-sale or retail off-sale license who solicits any such violation or accepts or permits to be accepted on his behalf and with his consent any of the prohibited matters, articles, or acts is guilty of a misdemeanor.

Exceptions

The provisions of Sections 25550 to 25503, inclusive, do not apply to any equipment, fixtures, or supplies furnished, given, lent, or sold prior to June 13, 1935, so long as the equipment, fixtures, or supplies remain in the premises in which installed prior to that time, nor do they apply to carbonic acid gas or tapping accessories furnished to any one on-sale licensee to a limit of not exceeding a value of five dollars ($5) per tap in any one calendar year.

On-sale licensee's interest in manufacturer's license, etc

25505. No on-sale licensee, or any officer, director, employee, or agent of such licensee, shall hold any ownership or interest, directly or indirectly, in any manufacturer's, wine grower's, rectifier's, importer's, or wholesaler's license, the business conducted under such license, or the property used in the business.

Off-sale licensee's interest in distilled spirits manufacturer's license, etc

25506. Except as authorized by this division, no off-sale general licensee, or any officer, director, employee, or agent of such licensee, shall hold any ownership or interest, directly or indirectly, in the business, property, or license of any distilled spirits wholesaler, rectifier, distilled spirits manufacturer, or distilled spirits manufacturer's agent.

Wine grower's holding off-sale license, etc

25507. The provisions of Section 25506 do not prohibit a licensed wine grower or brandy manufacturer holding an off-sale general license permitted by Section 23362, or any officer, director, or employee of such licensee, from holding any ownership or interest in any distilled spirits manufacturer's, distilled spirits manufacturer's agent's, rectifier's, or distilled spirits wholesaler's license, business, or property.

Cooperative wholesale grocery

25508. Any person who held an interest in, or was a member of, a cooperative wholesale grocery company on May 1, 1947, which cooperative holds a distilled spirits wholesaler's license, may hold and renew his off-sale general license and may acquire an off-sale general license or licenses for bona fide retail grocery store or stores. Any person who is admitted to membership, or acquires an interest, in such a cooperative after May 1, 1947, may hold or acquire off-sale general licenses and shall operate a bona fide retail grocery store at each location at which he holds or acquires an off-sale general license Any cooperative wholesale grocery company which held a distilled spirits wholesale license on May 1, 1937, may hold and renew the license, notwithstanding its members or some of them hold off-sale general licenses pursuant to this section.

CHAPTER 16. REGULATORY PROVISIONS

Article 1. In General

Premiums, etc

25600. No licensee shall, directly or indirectly, give any premium, gift, or free goods in connection with the sale of any alcoholic beverage. Any person violating the provisions of this section is guilty of a misdemeanor.

Disorderly houses, etc

25601. Every licensee, or agent or employee of a licensee, who keeps, permits to be used, or suffers to be used, in conjunction with a licensed premises, any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience, or safety, is guilty of a misdemeanor.

Serving habitual drunkards, etc.

25602. Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor.

Bringing alcoholic beverages into jails, etc

25603. Every person, not authorized by law, who brings into any state prison, city or county jail, city and county jail, or reformatory in this State, or within the grounds belonging to any such institution, any alcoholic beverage is guilty of a felony.

Public nuisance

25604. It is a public nuisance for any person to maintain any club room in which any alcoholic beverage is received or

kept, or to which any alcoholic beverage is brought, for consumption on the premises by members of the public or of any club, corporation, or association, unless the person and premises are licensed under this division.

The Attorney General or any district attorney may bring an action in the name of the people to abate the nuisance, and the Attorney General shall, upon request of the board, bring the action.

25605. Every person who sells, serves, or otherwise disposes of any alcoholic beverage, except beer which may be so sold, served, or disposed of, over or at any public bar or in any public barroom for consumption on the premises is guilty of a misdemeanor.

Automobiles

25606. It is unlawful for any person to use any automobile or other vehicle to conceal, convey, carry, or transport any alcoholic beverages which are subject to seizure under this division, or any stills or parts thereof subject to seizure under this division, or any materials or supplies capable of and intended for use in the manufacture or production of alcoholic beverages with the design to evade the excise taxes or license fees imposed by this division. This section does not apply to any person who uses an automobile or other vehicle to transport distilled spirits for lawful use in the trades, professions, or industries. Any person violating the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

The board may seize any automobile or other vehicle used contrary to the provisions of this section.

Unauthorized beverages

25607. It is unlawful for any person or licensee to have upon any premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage which the licensee is authorized to sell at the premises under his license. It shall be presumed that all alcoholic beverages found or located upon premises for which licenses have been issued belong to the person or persons to whom the licenses were issued. Every person violating the provisions of this section is guilty of a misdemeanor. The board may seize any alcoholic beverages found in violation of this section.

Public school property

25608. Every person who consumes, sells, gives, or delivers to any other person, any alcoholic beverage in or on any public schoolhouse or any of the grounds thereof is guilty of a misdemeanor. Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property which is accorded by Chapter 9 of Division 9 of the Education Code.

Sale of brand different than requested

25609. Every person who, in response to an inquiry or request for any brand, type, or character of alcoholic beverages, sells or offers for sale under an on-sale license a different brand,

type, or character without first informing the purchaser of the difference is guilty of a misdemeanor.

Obliteration of stamps, etc

25610. Any person who erases, removes, obliterates, destroys, or renders illegible in any manner any serial numbers, stamps, marks, brands, legends, or other information required by federal or state law to be attached or placed upon any packages or original cases containing alcoholic beverages, before the contents of such packages or cases have been entirely removed, is guilty of a misdemeanor.

Signs

25611. No sign or signs which in whole or in part advertise any alcoholic beverage and exceed in area 720 square inches, and no sign using the words "bar," "barroom," "saloon," "cocktail bar," or "lounge," or words of like or similar import, shall be maintained, erected, used, or placed upon or adjacent to the outside of any building and in connection with any premises therein licensed to sell alcoholic beverages at retail for consumption on the premises.

25612. Signs or other advertising matter used in connection with the licensed premises of any retailer of alcoholic beverages shall not be of any obnoxious, gaudy, blatant, or offensive nature and shall in no manner contrary to the rules of the board obstruct the view of the interior of the premises from the street.

Draught beer marker

25613. Every holder of an on-sale retail license who gives, sells, or otherwise dispenses any draught beer shall, upon the faucet, spigot, or outlet from which the beer is drawn, attach and keep posted a clear and legible notice, placard, or marker which shall in the English language indicate and declare the name or brand adopted by the manufacturer of the draught beer so given, sold, or dispensed by the licensee. The notice, placard, or marker shall be so situated as to be clearly legible to a person with normal vision for a distance of at least 10 feet from the spigot, faucet, or outlet and clearly legible from the place where any customer or consumer is served the beer. If the faucet, spigot, or other drawing device is in a location not within the room of the place of service and consumption of the beer, there shall also be kept posted a similar notice, placard, or marker in the place of service and consumption of the beer which shall truthfully state and indicate only the kinds and brands of draught beer actually on sale in the premises of the on-sale licensee.

25614. Any person who violates any of the provisions of Sections 25611 to 25613, inclusive, or substitutes another or different brand of draught beer from that indicated by any of the required notices, placards, or markers, or substitutes one brand of beer for another, or misrepresents the brand or kind of beer served to a consumer is guilty of a misdemeanor.

Alcoholic content of beer

25615. Any person who sells or otherwise disposes of, except for export, any draught beer containing more than 3 and two-tenths percent of alcohol by weight, and any person who sells or otherwise disposes of, except for export, any bottled beer containing more than four percent of alcohol by weight

is guilty of a misdemeanor. This section does not apply to the sale of ale, porter, brown, and stout in bottles bearing labels properly describing the contents under any licenses, other than on-sale beer licenses.

25616. Any person who knowingly or wilfully files a false tax return or a false license fee report with the board, and any person who refuses to permit the board or any of its representatives to make any inspection or examination for which provision is made in this division, or who fails to keep books of account as prescribed by the board, or who fails to preserve such books for the inspection of the board for such time as the board deems necessary, or who alters, cancels, or obliterates entries in such books of account for the purpose of falsifying the records of sales of alcoholic beverages made under this division, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment. False tax return, etc.

25617. Every person convicted for a violation of any of the provisions of this division for which another penalty or punishment is not specifically provided for in this division is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Penalties

25618 Every person convicted of a felony for a violation of any of the provisions of this division for which another punishment is not specifically provided for in this division shall be punished by a fine of not more than five thousand dollars ($5,000) or by imprisonment in the state penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment.

25619 Every peace officer and every district attorney in this State shall enforce the provisions of this division and shall inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this division. Every such officer refusing or neglecting to do so is guilty of a misdemeanor. Peace officer's duties

Article 2. Hours of Sale and Delivery of Alcoholic Beverages

25630. Every on- or off-sale licensee who sells, gives away, or furnishes any alcoholic beverage in any election district or precinct in any county where an election is in progress during the hours when by law the polls are required to be kept open for voting is guilty of a misdemeanor. Election hours

25631. Any on- or off-sale licensee who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same day is guilty of a misdemeanor. Hours of sale

25632. Any retail licensee, or agent or employee of such licensee, who permits any alcoholic beverage to be consumed by any person on the licensee's licensed premises during any hours in which it is unlawful to sell, give, or deliver any alcoholic beverage for consumption on the premises is guilty of a misdemeanor.

Hours for delivery

25633. Except as otherwise provided in this section, no person licensed as a manufacturer, wine grower, distilled spirits manufacturer's agent, rectifier, or wholesaler of any alcoholic beverage shall deliver or cause to be delivered any alcoholic beverage to or for any person holding an on-sale or off-sale license on Sunday or except between the hours of 6 a.m. and 8 p.m. of any day other than Sunday. No delivery of any distilled spirits shall be made or caused to be made by any licensee in any precinct where an election is in progress during the hours when by law the polls are required by law to be kept open for voting Beer and wine may be delivered at the platform of the manufacturing, producing, or distributing plant at any time. Nothing contained in this section prohibits the transportation or the carriage and delivery in transit at any time of beer or wine between the premises of a manufacturer, wine grower, wholesaler, distiller, importer, or any of them. Every person violating the provisions of this section is guilty of a misdemeanor.

Article 3. Women and Minors

Females prohibited from dispensing distilled spirits, etc

25655. All females other than a licensee are prohibited from dispensing wine or distilled spirits from behind any permanently affixed fixture, which fixture is used for the preparation or concoction of alcoholic beverages in any of the places mentioned in Section 23786.

Penalties

25656. Every person who uses the services of a female in mixing alcoholic beverages containing distilled spirits, on any premises used for the sale of alcoholic beverages for consumption on the premises, or any female who renders such services on such premises, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one hundred dollars ($100) or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

Exceptions

The provisions of this section do not apply to the mixing of alcoholic beverages containing distilled spirits by any on-sale licensee or to the mixing of such beverages by the wife of any licensee on the premises for which her husband holds an on-sale license.

Use of hostesses, etc.

25657. It is unlawful for any person to employ upon any licensed on-sale premises any hostess or entertainer for the purpose of procuring or encouraging the purchase or sale of alcoholic beverages, or to pay any such hostess or entertainer a percentage or commission on the sale of the alcoholic beverages for procuring or encouraging the purchase or sale of alcoholic beverages on such premises.

Every person who violates the provisions of this section is guilty of a misdemeanor.

Sale to minors

25658. (a) Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

Presentment of proof of age

25659. For the purpose of preventing the violation of Section 25658, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years.

25660 In any criminal prosecution or proceeding for the suspension or revocation of any license based upon violation of Section 25658, proof that the defendant licensee, or his agent or employee, demanded and was shown, before furnishing any alcoholic beverage to a minor, a motor vehicle operator's license or a registration certificate issued under the Federal Selective Service Act or other bona fide documentary evidence of majority and identity of the person, is a defense to the prosecution or proceeding for the suspension or revocation of any license.

False identification

25661. Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written evidence of age which is false, fraudulent, or not actually his own, for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, is guilty of a misdemeanor.

Minor's possession of alcoholic beverage

25662. Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment.

Employment of minors

25663. Every person who employs or uses the services of minors in or on that portion of any premises which are used for the sale and service of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

Advertisements

25664. The use in any advertisement of distilled spirits of any subject matter, language, or slogan addressed to and intended to encourage minors or immature persons to drink the distilled spirits is prohibited.

Chapter 17. Administrative Provisions

Board's rule making powers

25750. The board shall make and prescribe such reasonable rules as may be necessary or proper to carry out the purposes and intent of Section 22 of Article XX of the Constitution and to enable it to exercise the powers and perform the duties conferred upon it by that section or by this division, not inconsistent with any of the provisions of any statute of this State,

including particularly the provisions of this division and the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

25751. For the performance of its duties the board has the power conferred by Sections 11180 to 11191, inclusive, of the Government Code.

Supplemental reports

25752. In addition to any other reports required under this division, the board may, by rule and otherwise, require additional, other, or supplemental reports from licensees, common and private carriers, and other persons and prescribe the form, including verification, of the information to be given on, and the times for filing of, such additional, other, or supplemental reports. The failure or refusal of any person to render the reports required under this section is a misdemeanor.

Examination and inspection

25753. The board may make any examination of the books and records of any licensee or other person and may visit and inspect the premises of any licensee it may deem necessary to perform its duties under this division.

Administration of oaths

25754. The members of the board and the persons employed by the board for the administration and enforcement of the provisions of this division may administer and certify oaths in the administration and enforcement of this division.

Peace officer powers

25755. The members of the board and the persons employed by the board for the administration and enforcement of this division have all the powers of peace officers in the enforcement of the penal provisions of this division, the rules of the board adopted under the provisions of this division, and any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors.

Motor vehicle sirens, etc

25756. Any motor vehicle as the board shall determine, which is owned by the State and used by the board in enforcing the provisions of this division, may be equipped with a siren and a red light visible from in front of the vehicle, but the siren or red light shall not be used except when the vehicle is operated in the immediate pursuit of an actual or suspected violator of this division.

Liquor regulation associations

25757. The board may authorize any of its executive officers to join or subscribe to any national association or service having as its purpose the gathering and supply of information relative to the technique of liquor regulation, control, or administration.

Payment of witness fees

25758. When a person attends as a witness in any criminal case in which a person is charged with a violation of any penal provisions of the law prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of an alcoholic beverage or intoxicating liquor, and the court in the exercise of its discretion does not authorize the payment of the witness from county funds under Section 1329 of the Penal Code, the board may expend any money available to it to pay him witness fees at the rate of three dollars ($3) for each day's actual attendance and a reasonable

sum for the necessary expenses of the witness, or, in the case of a witness attending from outside the State, to pay the witness the sum of ten cents ($0.10) for each mile and five dollars ($5) for each day that he is required to travel and attend as a witness.

When taxes and fees deemed paid

25759. When tax reports or payment of excise taxes or license fees are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the board or other proper official or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Service of notice

25760. Notice of any act of the board required by this division to be given may be signed and given by the board, its secretary, or an authorized employee of the board and may be made personally or by mail. If made by mail, service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure. In case of service by mail, the service is complete at the time of deposit in the United States Post Office.

Disposition of taxes and fees

25761. All money collected as license fees and under the excise tax provisions of this division shall be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund, which fund is continued in existence.

The money in the Alcohol Beverage Control Fund is appropriated as follows:

(a) All money collected from fees shall be paid semiannually to the counties, cities and counties, and cities of this State in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount collected throughout the State. The Controller shall, during the months of April and October of the year, draw his warrants upon the fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled under this section.

(b) Such amount as is necessary for the allowance of the refunds provided for in this division.

(c) Any remaining balance shall be transferred to the General Fund on the order of the Controller.

Disposition of fines, etc

25762. All fines and forfeitures of bail imposed for a violation of this division and collected in any court shall be paid to the county treasurer of the county in which the court is held.

Repeal

SEC. 2. Chapter 330 of the Statutes of 1935, the Alcoholic Beverage Control Act, is hereby repealed.

CHAPTER 153

An act to codify Chapter 35 of the Statutes of the First Extraordinary Session of 1950, relating to research concerning sexual deviations and sex crimes, by adding Chapter 5, comprising Sections 5650 to 5653, inclusive, to Part 1, Division

6, of the Welfare and Institutions Code, and to repeal Chapter 35 of the First Extraordinary Session of 1950, except Section 6 thereof.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Chapter 5, comprising Sections 5650 to 5653, inclusive, is added to Part 1, Division 6 of the Welfare and Institutions Code, to read:

CHAPTER 5. RESEARCH CONCERNING SEXUAL DEVIATION AND SEX CRIMES

Sexual deviation research

5650. The Department of Mental Hygiene, acting through the Superintendent of the Langley Porter Clinic, shall plan, conduct, and cause to be conducted scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality, and into methods of identifying potential sex offenders.

5651. Upon the recommendation of the Superintendent of the Langley Porter Clinic, the Department of Mental Hygiene may enter into contracts with the Regents of the University of California for the conduct, by either for the other, of all or any portion of the research provided for in this article.

5652. Each state agency shall cooperate with the Superintendent of the Langley Porter Clinic, or with the University of California, as the case may be, to the fullest extent that its facilities will permit without interfering with the carrying out of its primary purposes and functions

Gifts and grants

5653. The Department of Mental Hygiene with the approval of the Director of Finance may accept gifts or grants from any source for the accomplishment of the objects and purposes of this article. The provisions of Section 16302 of the Government Code do not apply to such gifts or grants and the money so received shall be expended to carry out the purposes of this article, subject to any limitation contained in such gift or grant.

Repeal

SEC. 2. Chapter 35 of the First Extraordinary Session of 1950, except Section 6, is repealed.

CHAPTER 154

An act to codify Chapter 533 of the Statutes of 1873-4, relating to public lands, by adding Sections 7535, 7536, and 7537 to the Public Resources Code, and repealing Chapter 533 of the Statutes of 1873-4.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Sections 7535, 7536, and 7537 are added to the Public Resources Code, to read:

7535. If a reclamation district is organized in any county, the board of supervisors of each county in which any portion of the lands of the district are located, upon the application of any interested party, shall direct the auditor and treasurer to set apart from the county swamp-land fund all money received in payment of principal and interest on the lands within the district, as a fund to the credit of the district, after deducting any money previously expended from the swamp-land fund for the benefit of land within the district. The money in the district fund shall be paid out only for the purpose of reclaiming land within the district, or to the owners of such land after reclamation, as provided by law. All money paid in upon these lands and diverted to the use and benefit of other lands shall be replaced out of the first receipts from the land so benefited. Swamp-land fund credit to reclamation district

7536. If any expenses pertaining to land in a reclamation district have been paid from the county swamp-land fund including expenses for attorney's fees in the examination of the character of the land, the county treasurer shall deduct this amount from the amount otherwise found due to the land for which the expenses were paid, and only return to the owner of the land that portion of the money paid on the land which remains after deducting the amount paid for expenses pertaining to the land. Deduction for expenses

7537. Sections 7535 and 7536 do not apply to districts upon which controller's warrants are outstanding, until after all of the warrants are paid. Limitation

SEC. 2. Chapter 533 of the Statutes of 1873-4 is repealed. Repeal

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CHAPTER 155

An act to codify the County Waterworks District Act by repealing Chapter 370 of the Statutes of 1913 and adding Division 16 to the Water Code, relating to county waterworks districts.

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.] In effect September 9, 1953

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

SECTION 1. Division 16 is added to the Water Code, to read:

DIVISION 16. COUNTY WATERWORKS DISTRICTS

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

55000. This division shall be known and may be cited as the County Waterworks District Law. Short title

CHAPTER 2. DEFINITIONS

55010. Unless the context otherwise requires, the provisions of this chapter shall govern the construction of this division. Definitions

55011. The definition of a word applies to any of its variants.

55012. "District" means any county irrigation district or county waterworks district formed pursuant to the County Waterworks District Act or any county waterworks district formed pursuant to this division.

55013. "Board" means the governing body of a district.

55014. "County" means the county within which the district or proposed district is located.

CHAPTER 3. APPLICABILITY OF DIVISION

Applicable law

55030. This division shall not affect any other law relating to the same or a similar subject, but is intended to provide an alternative method of procedure governing the subject to which it relates. When proceeding under the provisions of this division its provisions and none other shall apply.

Liberal construction

55031. The provisions of this division shall be liberally construed to effect the purposes thereof.

PART 2. FORMATION

CHAPTER 1. PETITION

Requirements for district

55100. Any portion of a county, containing unincorporated territory, or containing the whole or any portion of one or more incorporated cities and contiguous unincorporated territory, and not included in a district, may be formed into a district.

55101. A district may be formed of two or more parcels of noncontiguous territory if the board of supervisors determines that water may be efficiently and economically supplied to each of the parcels through the same distribution system or parts thereof, but no parcel of noncontiguous territory which contains less than 10 privately owned acres may be included in any district.

Petition

55102. A petition for the formation of a district may be presented to the board of supervisors.

55103. The petition shall be presented at a regular meeting of the board of supervisors and shall be signed by not less than 25 percent of the freeholders resident within the proposed district.

55104. The formation petition shall contain:

(a) The name and boundaries of the proposed district to be benefited by the improvement.

(b) A general description of the improvement desired for the purpose of supplying the inhabitants of the district with water, and which may embrace any or all of the following: the acquisition, construction, installation, completion, extension, repair, or maintenance of waterworks, structures, and appliances, and the acquisition, by purchase, condemnation, contract, lease, or otherwise, of lands, rights of way, water, water rights, and water service, necessary or convenient for such purpose.

(c) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith.

(d) A request that an election be called in the district for the purpose of submitting to the qualified voters thereof the

proposition of forming the district and the incurring of any indebtedness by the issuance of bonds of the district to pay the cost and expenses of the proposed improvement or any part thereof.

Map

55105. The petition shall be accompanied by a map showing the exterior boundaries of the proposed district, with relation to the territory immediately contiguous thereto, and contain a general description of the proposed improvement.

Sureties

55106. There shall also be filed with the petition a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of forming the district, conditioned that the sureties shall pay the cost in case the formation of the district is not effected.

Defective petition

55107. The failure of the petition to contain any of the matters required to be contained therein shall not affect the legality of the organization of the district if it is thereafter organized.

Taxes

55108 If the petitioners so desire, the petition may also contain a statement that the taxes provided for in this division shall be levied upon the land within the district and upon no other property.

CHAPTER 2. NOTICE OF HEARING

Hearing

55130. Upon the presentation of a formative petition the board of supervisors shall fix a time for hearing thereon, and protests of interested parties, not less than 21 nor more than 30 days after the date of the meeting at which the petition is presented.

Notice: Posting, contents and publication

55131. The clerk of the board of supervisors shall cause notices of the filing and hearing of the petition to be posted in three of the most public places in the district.

55132. The notice shall be headed "Notice of the formation of _____ County Waterworks District No. _____" (stating name of county in which the district is located and the number of the proposed district) in letters not less than one inch in length, and shall, in legible characters, state the fact and date of the filing of the petition, the date and hour set for hearing the petition and any protests, briefly describe the proposed improvement, specify the exterior boundaries of the district to be benefited by the improvement and to be taxed to provide for the improvement, and refer to the petition, map, and general description of the proposed improvement for further particulars.

55133 The clerk shall also cause a notice, similar in substance, to be published at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is located, and designated by the board of supervisors for that purpose.

Date

55134. The date set for the hearing shall be at least 13 days after the date of the posting and the date of last publication of the notice.

CHAPTER 3. HEARING

Filing of protest

55150. Any person interested, objecting to the formation of the district, to the extent of the district, to the proposed improvement, or to the inclusion of his property in the district may file a written protest, setting forth his objections, with the clerk of the board of supervisors at or before the time set for the hearing of the petition.

55151. The clerk of the board of supervisors shall endorse on each protest the date of its receipt and, at the time appointed for the hearing, shall present to the board all protests filed with him

Decision on protest

55152. The board shall hear and pass upon the petition and protests at the time appointed, or at any time to which the hearing may be adjourned, and its decision thereon shall be final and conclusive.

55153. If any of the protests against the formation of the district or against the proposed improvement are sustained, no further proceedings shall be had or taken pursuant to the petition, but a new petition for the same or a similar purpose may be filed at any time.

Boundary modification

55154. If any of the protests are against the extent of the district or against the inclusion of property in the district, the board of supervisors may make such changes in the boundaries of the proposed district as it finds to be proper and advisable and shall define and establish boundaries as changed.

55155 The board of supervisors shall not modify the boundaries so as to exclude from the proposed district any territory which will be benefited by the improvement, and any territory which will not, in the judgment of the board, be benefited by the improvement shall not be included within the proposed district.

55156. The board of supervisors shall not modify the boundaries except after notice of such intention is published in a newspaper of general circulation printed and published in the county and designated by the board for that purpose, describing the proposed modification, and specifying a time for hearing objections to the modification, which time shall be at least 10 days after the publication of the notice.

Objection to modification

55157. Written objections to the proposed modification may be filed with the clerk of the board of supervisors by any interested person at or before the time set for hearing the objections.

55158 The board of supervisors shall hear and pass upon the objections to the proposed modification at the time appointed, or at any time to which the hearing may be adjourned, and its decision thereon shall be final and conclusive.

55159. If any objection is sustained, no further proceedings pursuant to the petition shall be taken, but a new petition for the same or a similar purpose may be filed at any time.

Acquisition of jurisdiction

55160. The board of supervisors shall be deemed to have acquired jurisdiction to proceed further with respect to the

formation of a district under any of the following circumstances:

(a) If no protests to the formation of the district are filed at or before the time set for hearing on the formation petition

(b) If protests are filed and, after hearing, are denied.

(c) If modification of the boundaries of the district is proposed and no objections thereto are filed at or before the time set for hearing objections.

(d) If objections to the modification are filed and, after hearing, are denied.

CHAPTER 4. ELECTION

Election ordinance or resolution

55180. The board of supervisors shall, by ordinance or resolution adopted at a regular or special meeting after having acquired jurisdiction to proceed in the formation of a district, provide for and order the holding of a special election in the proposed district to submit to the qualified voters thereof the proposition of forming the district and incurring a debt by the issuance of bonds of the district for the purposes set forth in the petition for the formation of the district, if a bonded indebtedness is to be incurred.

55181. The ordinance or resolution calling the special election shall also recite the objects and purposes for which any proposed indebtedness is to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on the indebtedness, and shall fix the date on which the special election shall be held, the manner of holding it, and the manner of voting for or against the proposition.

55182. If a statement is made in the formation petition that taxes shall be levied upon the land within the district and upon no other property, the board of supervisors shall recite the statement in any resolution, ordinance, or order adopted or entered pursuant to this chapter.

55183. For the purposes of the election, the board of supervisors shall, in the ordinance or resolution, establish one or more precincts within the boundaries of the proposed district, designate a polling place, and appoint one inspector, one judge and one clerk for each precinct.

Publication

55184. The ordinance or resolution ordering the holding of the election shall, prior to the date set for the election, be published five times in a daily, or twice in a weekly or semiweekly, newspaper of general circulation printed and published in the county and designated by the board of supervisors for that purpose, and shall be posted in three of the most public places in the proposed district at least 10 days prior to the date set for the election No other notice of the election need be given

Election

55185. In all particulars not recited in the ordinance or resolution, the election shall be held as provided by law for holding general elections in the county.

55186. If at the election a majority of the votes cast are in favor of the formation of the district and the incurring of the

bonded indebtedness, if any is proposed, the board of supervisors shall enter an order to that effect upon its minutes, declaring the district formed, and the board may thereupon issue bonds of said district for the amount specified in the proceedings, payable out of funds of the district, provided as prescribed in this division.

CHAPTER 5. FORMATION OF ZONES WITH FORMATION OF DISTRICT

Petition for formation of zone

55200. A separate petition for the formation of a zone or zones within a proposed district for either of the purposes specified in Section 55650 may be presented to the board of supervisors at the same time and in conjunction with a formation petition.

55201. The petition for the formation of a zone or zones and the proceedings thereon shall be in conformity with and subject to the provisions of Article 6, Chapter 2, Part 4 of this division, and except as otherwise provided, the proceedings shall be conducted and regarded as separate and distinct from proceedings upon the petition for formation of the district.

Consolidation of petitions

55202. The board of supervisors may direct that notice of hearing, hearing, notice of election, or election upon the formation and zone petitions shall be consolidated and combined into one notice of hearing, one hearing, one notice of election, or one election; except that the requirements of this division with respect to the proceedings upon each of the petitions shall be complied with.

Mutual effects of zone and district formation

55203. The formation of a zone or zones pursuant to this chapter shall in no event be effective for any purpose unless and until the district is established; but the nonformation of a proposed zone or zones for whatever reason shall in no way affect the formation of the district or of other proposed zones within the district.

PART 3. POWERS AND PURPOSES

CHAPTER 1. GOVERNING BODY

Exercise of powers

55300. The powers of the district enumerated in this division shall, except as therein otherwise provided, be exercised by the board.

Board of supervisors

55301. The board of supervisors of the county is the governing body of the district unless a board of directors has been appointed as provided in this article.

Board of directors

55302. A petition signed by a majority of the water users of any waterworks district may be presented to the board of supervisors requesting that a board of directors be appointed for the district to operate and manage the district in lieu of the board of supervisors.

55303. Upon receiving the petition, the board of supervisors shall set it for hearing at a regular meeting and give

notice of the time and place of the hearing by causing notices to be posted in three public places in the district at least 30 days before the date of hearing. If there is a newspaper of general circulation printed and published in the district, the board shall publish a copy of the notice in such a newspaper for at least two weeks prior to the date set for the hearing.

55304. At the time fixed for the hearing, the board of supervisors shall hear all persons appearing for and against the matter, and at the conclusion the board shall determine whether or not it is for the best interests of the district to appoint a board of directors.

55305. In the event the board determines in favor of the petition, it shall appoint five directors for the district and shall designate two of them to hold office for two years and three of them to hold office for four years. Each director so appointed shall be a registered voter and the owner of real property in the district.

55306. Except for the first board of directors appointed, the term of each member of the board of directors shall be for four years. At the expiration of a term, the board of supervisors shall make an appointment for the new term. Any vacancies occurring shall be filled by the appointment of the board of supervisors for the unexpired term.

55307. When any board of directors is appointed and they have qualified by filing an oath of office with the clerk of the board of supervisors, then the board of directors shall succeed to and have all the powers conferred upon the board of supervisors in reference to the waterworks district. The board of supervisors shall have no further jurisdiction except the appointment of the board of directors.

55308. The board of directors shall appoint a clerk who shall perform all of the duties pertaining to the district required to be performed by the clerk of the board of supervisors and such other duties as may be imposed upon him by the board of directors. The clerk shall receive such compensation as the board of directors shall determine and shall serve at the pleasure of the board. No director shall be eligible to the position of clerk.

CHAPTER 2. GENERAL POWERS

55330. A district may provide for the supplying of the inhabitants of the district with water for irrigation, domestic, or fire protection, and for the development and conservation of water supplies for those purposes. General powers

55331. The district may do all things necessary or proper to accomplish the purposes of this division.

55332. The district may appoint or employ all needful agents, superintendents and engineers to properly look after the performance of any work of the district.

55333. The district may make and enforce all rules and regulations necessary for its administration and government, and for the acquisition, purchase or construction, use and operation of its waterworks.

CHAPTER 3. CONTRACTS AND IMPROVEMENTS

Contract with low bidder

55350. All contracts for furnishing labor, materials, or supplies required for any improvement mentioned in this division, shall be let to the lowest responsible bidder.

Bid invitations

55351. The district shall advertise for two or more days in a newspaper of general circulation, printed and published in the county, inviting sealed proposals for furnishing labor, materials and supplies for the proposed improvement before any contract shall be made.

Rights of district

55352. The district shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to reject any and all bids.

Emergency

55353. The district may, in case of emergency, proceed at once, by a vote of not less than three members of its board, to make such repairs, or to do such other work as may be necessary to prevent a threatened interruption of water supply, or to restore the waterworks system to working condition, without advertising for bids. The board shall cause a statement of the facts constituting the emergency to be entered in their minutes.

Day labor

55354. When the board of supervisors and the board of directors of the district, if any, determine that any work of repairing, improving, renewing or extending district facilities can be done more economically and satisfactorily by day labor without letting contracts to the lowest bidder as provided in Section 55350, the governing body of the district may cause the work to be done by day labor.

Work by county

55355. Nothing contained in this chapter shall be construed as prohibiting the county itself, when ordered by the board of supervisors, to make the proposed improvement without a contractor therefor, and to purchase the materials and supplies, and employ the labor necessary for the purpose.

Powers of board

55356. The board of supervisors may, except in incorporated cities or towns, order and contract for any of the work, and the acquisition of any of the property contemplated, to be done or authorized to be acquired under this division, and to provide, if ordered by four-fifths of the members of the board of supervisors, that the cost shall be borne by a district

Conformity with bond proceedings

55357. Any improvement for which bonds are voted under the provisions of this division, shall be made in conformity with the general description of the proposed improvement as provided for in the proceedings authorizing issuance of the bonds

CHAPTER 4. PROPERTY

Title to property

55370. The title to all property which may have been acquired for a district shall be vested in the county.

Sale or lease of property

55371. The board may sell or lease any property of the district, real or personal, no longer needed for the uses of the district.

Notice

55372. If the board determines the value of the property to be of a value of one hundred dollars ($100) or less, or is being

leased for one year or less, it may be sold or leased without notice.

55373 If the board determines the property to have a value of more than one hundred dollars ($100) or is being leased for more than one year, a notice of time and place of sale or leasing shall be given by posting three notices in three public places within the district five days before the date of sale or leasing At the time fixed for the sale or leasing, bids shall be received and the board may sell or lease to the highest bidder or may reject any or all bids.

Lease of distributing system to municipal corporation

55374. Whenever the major portion of the territory of a district shall be annexed to, or otherwise included within any one municipal corporation which owns works for supplying its inhabitants with water, the board may lease to the municipal corporation, for periods not exceeding five years, the portion of the district's distributing system that is in the portion of the district annexed to or included in the municipal corporation.

55375. The municipal corporation may use the leased distributing system for the purpose of distributing water directly to individual consumers, with the same power of regulating the service of water, and of charging and collecting for the service, as if the leased distributing system were part of the municipally owned water plant.

55376. The board shall, in the lease, reserve the right to use the leased distributing system, for the benefit of that portion of the district not annexed to or included in the municipal corporation, to the extent that the leased system is essential to the efficient operation of the balance of the system

Improvements across public roads, etc

55377. Any improvement provided for in this division may be located, constructed and maintained in, along, or across any public road or highway, or publicly owned right of way in the county, in such manner as to afford security for life and property; but the board shall restore, or cause to be restored, the road or highway, or publicly owned right of way to its former state, as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness.

PART 4. FINANCIAL PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

Expenditure of tax revenues for maintenance, etc

55500 The board may control and order the expenditure of tax revenues, secured to pay the cost and expenses of maintaining, operating, extending and repairing the district's waterworks, for that purpose.

Collection and application of charges for use

55501. The board may fix and collect rates or charges for the use and supply of water furnished by the system, and to apply the receipts from the rates or charges to the expenses of the administration and government of the district and the use, operation and extension of the waterworks and water supply

55502. Whenever the board of directors shall, by resolution, petition, and when a resolution of the board of supervisors shall

so direct, the receipts may also be used to reduce the principal or interest of any bonded indebtedness that the waterworks district may have.

County loans

55503. The board may borrow and repay county funds not to exceed 85 percent of the district's anticipated revenue for the fiscal year in which they are borrowed or for the next ensuing fiscal year. In levying taxes as authorized by this division the board may raise sufficent revenues to repay such loans.

55504. Where a district has an assessed valuation of less than one hundred thousand dollars ($100,000), the board of supervisors of the county may loan county funds, in a sum not in excess of ten thousand dollars ($10,000), to the district to be used for the purpose of repairing, improving, extending or renewing the district water system, to be returned to the county by the district in equal installments from revenues and taxes of the district during the period of five years following the date of the loan.

CHAPTER 2. BONDS

Article 1. Issuance and Sale

Proceeds of bond sale

55520. The board may issue and sell the bonds of the district, when authorized, at not less than par value, and the proceeds of the sale shall be placed in the county treasury to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election.

Form

55521. The board by an order entered upon its minutes, shall, subject to the provisions of this division, prescribe the form of bonds issued and of the interest coupons attached thereto.

Payment of principal and interest

55522. The board shall designate an amount, not less than one-fortieth of the whole amount of the indebtedness, which shall be paid annually at a fixed time and place, together with the interest on all sums unpaid. The rate of interest shall be designated in the bonds and shall be paid semiannually at a rate not in excess of 8 percent per year.

55523. The board may determine and fix a date for the earliest maturity of the principal of the bonds not more than 10 years from the date of issue of bonds, but, in this event, the whole amount of the indebtedness must be made payable in equal annual parts in not to exceed 40 years from the time of contracting the same.

Denominations

55524. The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor greater than one thousand dollars ($1,000).

Signatures and seal

55525. The bonds shall be signed by the chairman of the board and countersigned by the auditor of the county, and the seal of the county shall be affixed thereto.

55526. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the county by his engraved or lithographed signature. Coupons

55527. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be an officer before the delivery of the bonds to the purchaser, the signature or countersignature shall be valid and sufficient for all purposes the same as if the officer remained in office until the delivery of the bonds. Signer ceasing to be officer

55528. The principal and interest on the bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of the county. Payment

Article 2. Additional Bond Issues

55550. Whenever the board deems it necessary for the district to incur a bonded indebtedness in addition to that incurred at the time of the formation of the district for any of the purposes of the district, the board shall, by resolution, so declare and state the proposition to be submitted to the electors, the purpose for which the proposed debt is to be incurred, the amount of the debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years, and the maximum rate of interest to be paid, which shall not exceed 8 percent per year, payable semiannually. Proposition for additional bonds

55551. The board shall then fix a date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred, and shall proceed with the election in accordance with Chapter 4 of Part 2 of this division. Election

55552 If at the election a majority of the votes cast are in favor of the incurring of the bonded indebtedness, then the board shall enter an order to that effect upon its minutes, and shall thereupon be authorized and empowered to issue the bonds of said district for the amount voted, payable out of the funds of the district. Issuance

55553. The provisions contained in Articles 1 and 5 of Chapter 2 of this part and Sections 55701, 55703, and 55704, relating to the form of bonds, the issuance and sale of bonds, the validation thereof, and the levying of a tax for the principal and interest thereof, shall apply in like manner to bonds voted and issued as provided in this article.

Article 3. Refunding Bonds

55580. The board may issue refunding bonds of the district for the purpose of refunding any or all outstanding bonds of the district. Refunding bonds

55581. The board shall by resolution determine the amount of the outstanding bonds to be refunded, fix the maximum amount of refunding bonds to be issued, the maximum rate of interest to be paid (which shall not exceed the rate of interest on the bonds to be refunded), and the number of years, not Resolution

exceeding 30, that the refunding bonds or any part thereof are to run.

Election

55582. In the resolution the board shall call an election and submit to the qualified voters of the district the question whether the refunding bonds should be issued.

55583 The resolution shall fix the time of the election, establish one or more voting precincts, designate the polling place or places, appoint an inspector, judge, and clerk for each precinct, and fix the hours during the day in which the polls will be open and the manner of voting for and against the issuance of the refunding bonds.

55584. In all particulars not set forth in this article the election shall be held and conducted as provided in Chapter 4 of Part 2 of this division.

Publication

55585. The resolution shall be published twice in a newspaper of general circulation in the county designated by the board for that purpose, the last publication to be at least one week before the date of the election. No other notice of the election need be given.

Authorization to issue bonds

55586 If at the election a majority of the votes cast are in favor of the issuance of the refunding bonds, the board shall be authorized to issue refunding bonds of the district not exceeding the maximum amount set forth in the resolution, payable out of the funds of the district to be provided as prescribed in Section 55591.

Form, etc

55587 The board shall, by order entered in its minutes, prescribe the form of the refunding bonds and of the interest coupons to be attached, and fix the date of the refunding bonds, the date of maturity, and the rate or rates of interest to be paid. The bonds and the interest coupons thereof shall be signed as provided in Article 1 of this chapter.

Exchange of bonds

55588. Refunding bonds may be exchanged at par value for any outstanding bonds to be refunded at their par value or less, upon such terms as may be agreed upon by the board and the holders of such bonds, subject to adjustment of accrued interest to the date of exchange. Any moneys required for the adjustment of interest may be paid from any funds of the district

Sale of bonds as alternative

55589 In lieu of the exchange for outstanding bonds, the refunding bonds may be sold by the board for cash at not less than par and accrued interest, and the proceeds used for the purchase or retirement of the outstanding bonds upon terms agreed upon by the board and the holders of the bonds, but not to exceed par and accrued interest.

Cancellation

55590. Any bonds refunded and all interest coupons appurtenant thereto shall be canceled immediately by the county treasurer Expenses of the refunding proceedings may be paid from any funds of the district.

Taxes

55591. Taxes for the payment of principal and interest of refunding bonds shall be levied as provided in Chapter 3 of this part except that if the bonds refunded were payable from

taxes levied upon land only, the taxes for the payment of principal and interest of refunding bonds shall likewise be levied upon land only.

Article 4. Adoption of the Sanitation, Sewer, and Water Revenue Bond Law of 1941

55610 The Sanitation, Sewer and Water Revenue Bond Law of 1941 is applicable to districts for the purpose of financing the production, transmission and distribution of water for public or private purposes. The provisions of subdivision (c) of Section 54310 of the Government Code do not apply. Applicable law

Article 5. Validation of Bonds

55630 As soon as the board authorizes the issuance and sale of bonds it, or any holder of title or evidence of title, may, in order to determine that the bonds are or will be when sold, a legal obligation of the district, institute a proceeding in the superior court of the county in which the district was organized The complaint shall set forth: Complaint to ascertain validity

(a) That on a specified date, bonds of the district were authorized by the board to be issued and sold.

(b) Sufficient details to identify the bonds.

(c) The amount of the bonds.

(d) A prayer that the bonds be adjudged a valid legal obligation of the district.

55631. The summons in the proceeding shall be in such form as the court may direct and shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in the county. Summons

55632. Within 30 days after the last publication is completed and proof of publication has been filed with the court, any person interested may appear and answer the complaint. The answer shall set forth the facts relied upon to show the invalidity of the bonds. Answer

55633. If no answer is filed within the time, the court shall render judgment decreeing the validity of the district and of the bonds. If an answer is filed the court shall proceed as in other civil cases.

55634. The proceeding is in rem and the judgment rendered shall be conclusive against all persons and against the State of California. Proceeding in rem

Article 6. Zones

55650 Zones may be established within a district for either of the following purposes: Purposes of zones

(a) Incurring a bonded indebtedness within the zone sufficient to pay the cost of constructing a water system and any other necessary improvements incidental thereto for the purpose of supplying the inhabitants of the zone with water, where the water system and the improvements, in the judgment of the board, will not be of district-wide benefit, and levying a special

tax within the zone for the payment of the principal and interest on the bonds.

(b) Fixing and collecting special rates or charges for the use and supply of water furnished by the system of the district within the zone, and applying the receipts from the special rates or charges to the expense of constructing a water system, replacing a water system, acquiring an existing water system, or extending or enlarging the mains of an existing water system, where, in the judgment of the board, the improvement will not be of district-wide benefit.

Petition for formation Who may present

55651. A petition for the formation of a zone within a district may be presented to the board, signed by owners representing at least 25 percent of the total assessed valuation of the real property within the proposed zone as shown by the last equalized assessment roll of the county, or by not less than 25 percent of the taxpayers residing within the proposed zone.

Contents

55652. The petition shall contain:

(a) The boundaries of the proposed zone.

(b) A general description of the improvement desired.

(c) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith.

(d) Either:

(1) A request that an election be called in the proposed zone for the purpose of submitting to the qualified voters thereof the proposition of establishing the zone and incurring a bonded indebtedness therein, the principal and interest of which shall be paid by special taxes levied on the taxable property in the zone, to pay the cost and expense of the proposed improvement; or

(2) A request that an election be called in the proposed zone for the purpose of submitting to the qualified voters thereof the proposition of establishing the zone and fixing and collecting special rates or charges therein for the use and supply of water and applying the receipts therefrom to the cost and expense of the proposed improvement. If the petition contains such a request, it shall specify the maximum rate or charge permissible and the length of time during which the special rates or charges may be made.

Map

55653. The petition shall be accompanied by a map showing the exterior boundaries of the district and of the proposed zone and containing a general description of the proposed improvement.

Defective petition

55654. The failure of the petition to contain any of the matters specified in Sections 55651 and 55652 shall not affect the legality of the establishment of the zone if it is thereafter established.

Presentation of petition

55655. The petition shall be presented at a regular meeting of the board, and the board shall thereupon set a time for hearing the petition, which time shall be not less than 21 days nor more than 30 days after the date of presentation of the petition.

Notice

55656. Notice of the filing and hearing of the petition shall be given by the clerk of the board by publishing, at least once a

week for two consecutive weeks in a newspaper published and circulated in the county, a notice containing a copy of the petition, stating when the petition was filed, and specifying the time set for the hearing of the petition and protests of interested parties.

55657. The clerk shall also cause a notice, similar in substance, to be posted in three of the most public places within the proposed zone.

55658. The date set for the hearing shall be at least 13 days after the date of the posting and the date of last publication of the notice. Date

55659. A copy of the petition shall be filed with the county engineer of waterworks districts at least two weeks before the petition is presented to the board The county engineer of waterworks districts shall prepare and file with the board, at least one week before the date set for the hearing on the petition, a report containing cost estimates and preliminary plans and specifications for the proposed improvements, together with any recommendations as to the boundaries of the proposed zone, and any other pertinent information relating to the feasibility of the proposed improvements or proposed zone. The engineer's report shall be available in the office of the board for public inspection, and may be considered by the board at the hearing on the petition. Engineer's report

55660. At the time fixed for the hearing, the board shall hear and pass upon the petition and any protests in writing that have been filed with the clerk before or at the time set for the hearing, and its decision thereon shall be final and conclusive. Hearing

55661. If the board determines that the proposed improvement will be of district-wide benefit, the proceedings shall terminate, and the proposed zone shall not be established. Negative determination

55662. If the board determines that the proposed improvement will not be of district-wide benefit, the board may make such changes in the boundaries of the proposed zone as may be deemed advisable and shall define and establish the boundaries, but shall not modify the boundaries so as to exclude from the proposed zone any territory which will be benefited by the improvement, nor to include in the proposed zone any territory which, in its judgment, will not be benefited by the proposed improvement Boundary modification

55663. The board shall not modify the boundaries except after notice of its intention has been published once in a newspaper of general circulation printed and published in the county and designated by the board for that purpose, describing the proposed modification, and specifying a time for hearing objections to the modification, which time shall be at least 10 days after the publication of the notice. Publication

55664. Written objections to the proposed modification may be filed with the clerk of the board by any interested person at or before the time set for hearing the objections. Objections

55665. The board shall hear and pass upon the objections at the time appointed, or at any time to which the hearing may Hearing

be adjourned, and its decision thereon shall be final and conclusive.

Sustained objections

55666. If the objections, or any of them, be sustained, no further proceedings pursuant to the petition shall be taken, but a new petition for the same or a similar purpose may be filed at any time.

Jurisdiction to proceed

55667. If no protests are filed, or if all protests filed are heard and denied, or if authorized modifications are made in the boundaries of the proposed zone and the boundaries are finally established, the board shall have jurisdiction to proceed.

Election unnecessary

55668. If the board determines that the petition is signed by owners representing at least 60 percent of the total assessed valuation of the real property within the proposed zone as shown by the last equalized assessment roll of the county, or by at least 60 percent of the taxpayers resident within the proposed zone, as its boundaries shall have been established upon the hearing on the petition, the board may by resolution reciting the finding declare that an election is unnecessary and that the zone is established.

Bond issue, etc

55669. The board shall thereupon be authorized to issue bonds of the zone, to fix and collect special rates or charges, as prayed for in the petition, and proceed with the proposed improvement.

Resolution for special election

55670. If the petition for formation of the zone is signed by owners representing less than 60 percent of the total assessed valuation of the real property within the proposed zone as shown by the last equalized assessment roll of the county, and by less than 60 percent of the taxpayers resident within the proposed zone, as its boundaries shall have been established upon the hearing on the petition, or if for any other reason the board deems it advisable to conduct an election, the board shall by resolution order that a special election be held in the proposed zone to determine whether or not the zone shall be established.

Election

55671. The board shall appoint three qualified electors residing in the proposed zone to conduct the election.

Notice

55672. The election shall be called by posting in three of the most public places in the proposed zone, and by publishing at least once a week for two consecutive weeks in a newspaper published and circulated in the county, a notice specifying the time, place and purposes of the election, and giving the purposes and boundaries of the proposed zone.

Date

55673. The date set for the election shall be at least 13 days after the date of the posting and the date of last publication of the notice. No other notice of the election need be given.

55674. The election shall be conducted in accordance with the general election laws of this State, where applicable.

Proposition

55675 The proposition submitted shall be in accordance with the petition and shall be either:

(a) "Shall the proposed zone described in the resolution of the board of _____ adopted on the _____ day of _____, 19 __, be established within County Waterworks District

No. ____ ___, and shall the zone incur a bonded indebtedness in the sum of _____ dollars ($ _____) for the purpose of (stating the purpose for which the amount so raised is to be used)?" or

(b) "Shall the proposed zone described in the resolution of the board of ___ ____ adopted on the _____ day of _____, 19___, be established within County Waterworks District No. ____ ___, and shall special rates or charges for the use and supply of water, not to exceed _____, be fixed and collected in the zone for a period of time not to exceed _____, to pay the cost and expense of (describing generally the proposed improvement)?"

55676. If 60 percent of the votes cast at the election are in favor of the zone, and of incurring the bonded indebtedness, or fixing and collecting the special rates or charges, as the case may be, the board shall by resolution establish the zone. Affirmative vote

55677. Upon the establishment of the zone the board shall be authorized and empowered to issue bonds of the zone, or to fix and collect special rates and charges, as voted on at the election, and to proceed with the proposed improvement. Bond issue, etc

55678. The provisions in this division for the form, issuance, and sale of bonds, the levying and collecting of taxes for the payment thereof and of other matters relating to bonds of the district shall govern in the case of bonds authorized by proceedings under this article except that all taxes for payment of interest and principal on the bonds shall be levied solely upon the taxable property within the zone. Applicable provisions

55679. The taxes and special rates or charges authorized by this article are in addition to all other taxes and rates or charges authorized by this division, and shall be subject to the provisions of Sections 55108, 55182, and 55702. Taxes, etc., additional

CHAPTER 3. TAXES

55700. The board of supervisors may in any year levy a tax upon the taxable property in the district, sufficient to pay the cost and expenses of maintaining, operating, extending and repairing the waterworks of the district for the ensuing fiscal year. Tax levy Maintenance of waterworks

55701. The board of supervisors shall levy a tax, each year, upon the taxable property in the district, sufficient to pay the interest on the bonds for that year authorized at the time of formation of the district, and that portion of the principal which is to become due before the time for making the next general tax levy. Same Payment on bonds

55702. Where the petition for formation contained a statement that taxes shall be levied only upon the land within the district, all taxes levied under the provisions of this division in a district shall be levied upon the land within the district, and in any extension or additions thereto, and upon no other property. Restrictive petition

Sinking fund

55703. If the maturity of the indebtedness created by the issue of the bonds is made to begin more than one year after the date of issue, the tax shall be levied and collected each year, sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal on or before maturity.

Collection and payment

55704. All taxes pursuant to this chapter shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury to be used for the payment of the principal and interest on bonds, or paid into the county treasury to the credit of the proper fund of the district.

PART 5. CHANGES IN ORGANIZATION

CHAPTER 1. INCLUSION GENERALLY

Article 1. Petition for Inclusion

Portions includable

55800. Any portion or portions of a county containing unincorporated territory, or containing the whole or any portion of one or more incorporated cities, and not included in a district, may be added to any district as prescribed in this chapter.

55801. Territory not contiguous with the district may be annexed to the district if the board determines that water may be efficiently and economically supplied to the territory from the existing district distribution system. No parcel of noncontiguous territory which contains less than 10 privately owned acres may be annexed to any district.

Who may petition

55802. The holders of title, or evidence of title, to one-half or more of the land sought to be added may file with the board a petition in writing praying that the land be added to the district.

55803. The county assessment roll last equalized at the time the petition is filed, shall be conclusive evidence as to the holders of title, or evidence of title, to the land.

Contents of petition

55804. The petition, which may consist of any number of separate instruments, shall set forth and describe the boundaries of the proposed addition, and pray that the land within the boundaries be added to the district. It shall also contain a general description of the improvements necessary for supplying the inhabitants of the territory with water.

Affidavit, etc.

55805. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom the petition was signed, is sufficient evidence of the genuineness of the signatures, and the fact of place of residence of each petitioner.

Defective petition

55806. No defect in the contents of the petition or in the notice, or publication of the notice, shall vitiate any proceedings, if the petition has a sufficient number of qualified signatures attached thereto.

Article 2. Hearing

55820. Upon the filing of the petition, the board shall set a time for the hearing thereof, which shall be not less than 15 and not more than 30 days from the date the petition is filed. Date of hearing

55821. Notice of the filing of the petition shall be given by the clerk of the board by publishing at least once a week, for at least two weeks, in a newspaper printed, published and circulated in the county, a notice that the petition has been filed, giving the time set for the hearing, and that the petition, together with all written protests filed with the clerk prior to the time set for the hearing, will be heard and passed upon at that time, and that all persons interested may then appear and be heard. Notice

55822. The notice shall also contain the text of the petition, but not more than five of the signers' names need be published if the total number of names is stated.

55823. At the time fixed for the hearing the board shall hear the petition, together with the written protests which have been filed by or on behalf of the owners of taxable property situated within the district, or within the proposed addition thereto, and may adjourn the hearing from time to time, not exceeding four weeks in all. Hearing

55824. At the hearing the board may make such changes in the proposed boundaries of the territory sought to be added as may be advisable, but the board shall not modify the boundaries so as to exclude any territory which in its opinion will be benefited by being added to the district. Boundary modification

55825. Upon the hearing the board shall find as to the sufficiency of the petition, as to whether the addition to the district of the land as described in the petition, or as the boundaries have been modified, will be for the best interests of the district, and its decision shall be final and conclusive. Decision

55826. If the board finds that the addition to the district of the lands as described in the petition, or as the boundaries have been modified, will not be for the best interests of the district, it shall reject the petition.

Article 3. Election

55840. At the expiration of the time at which protests may be filed, if none be filed, or if protests be filed and after hearing be denied, then the board shall be deemed to have acquired jurisdiction to further proceed, and the board may grant the petition, in whole or in part, and shall fix the boundaries of the territory sought to be added. Jurisdiction to proceed

55841. After having acquired jurisdiction to proceed, the board shall, by resolution, provide for and order the holding of a special election in the district and in the proposed addition, to determine whether or not the territory in the proposed addition shall be added to the district. Resolution for special election

55842. At the election the proposition to be submitted shall be: "Shall the territory described in the resolution of the

board of _____, adopted on the _____ day of _____, 19___, be added to _____ County Waterworks District No. _____?"

55843. For the purposes of the election, the board, in its resolution or ordinance, shall establish one or more precincts within the boundaries of the district, and one or more precincts within the boundaries of the territory sought to be added, designate a polling place, and appoint one inspector, one judge and one clerk for each precinct.

55844. In all particulars not recited in the resolution or ordinance, the election shall be held as provided by law for holding general elections in the county.

Publication

55845. The resolution or ordinance ordering the holding of the election shall, prior to the date set for the election, be published five times in a daily, or twice in a weekly or semiweekly newspaper of general circulation, printed and published in the county and designated by the board for that purpose. No other notice of election need be given.

Inclusion order

55846. If at the election a majority of the votes cast in the district then existing and a majority of the votes cast in the territory sought to be added are in favor of the addition, the board shall enter an order to that effect upon its minutes declaring the territory added to the district, and from and after the date of the order, the territory shall be deemed added to and shall form a part of the district, subject to all the rights, privileges, powers and responsibilities set forth in this division and necessarily incident thereto.

Article 4. Inclusion Subject to Conditions

Inclusion conditional on bond issue

55860. If the board deems it necessary, because of the lack of sufficient moneys in the funds of the district to provide adequate water, construct necessary plants and distributing systems, or properly serve the territory sought to be added, or for any other reason, to make the addition of the new territory conditional upon the voting and issuance of additional bonds, the board may, in its resolution or ordinance granting the petition, or a part thereof, and calling an election upon the proposition of adding new territory to the district, order that the election shall be upon the joint proposition of adding new territory and of incurring an indebtedness by the issuance of bonds of the district as it will exist if the new territory is added.

Resolution contents

55861. The ordinance or resolution shall state the purpose for which the proposed debt is to be incurred, the amount of the debt, the maximum term the bonds shall run before maturity, not to exceed 40 years, and the maximum rate of interest to be paid, not to exceed 8 percent per year, payable semiannually.

Proposition

55862. The proposition in such event shall state: "Shall the territory described in the resolution of the board of _____ adopted on the _____ day of _____, 19___, be added to _____ County Waterworks District No. _____, and shall the district, as the same will exist after the addition of the terri-

tory, incur a bonded indebtedness in the sum of _____ dollars ($___ ____) for the purpose of (stating the purposes for which the amount so raised is to be used)?"

Notice

55863. Notice of the election and all matters in connection with the election shall be given and conducted in the manner provided, where the proposition is to be upon the sole question of the adding of new territory.

Bonds chargeable exclusively to new territory

55864. If the board finds that the proposed improvements are necessary to provide adequate water or to properly serve the territory sought to be annexed but will not be of district-wide benefit, the board may, in its resolution or ordinance granting the petition, and calling an election upon the proposition of adding new territory to the district order that the election shall be upon the joint proposition of adding new territory and of incurring an indebtedness by the issuance of bonds of the district, which bonds shall constitute obligations chargeable exclusively to the new territory.

55865 The proposition to be voted upon in this event shall be: "Shall the territory described in the resolution of the board of __ adopted on the _____ __ day of _____, 19 __, be added to _____ County Waterworks District No __ ___, and shall the district incur a bonded indebtedness in the sum of ___ ___ dollars ($_____), which bonds shall be chargeable exclusively to the territory added, for the purpose of (stating the purposes for which the amount so raised is to be used)?"

Applicable law re annexation

55866. In every respect not in conflict with Sections 55864 and 55865, the provisions of this chapter shall govern the conduct of the annexation proceedings

Inclusion order

55867. If at the election a majority of the votes cast in the district then existing and a majority of the votes cast in the territory sought to be added are in favor of the proposition of adding new territory and of incurring the bonded indebtedness, then the board shall enter an order to that effect upon its minutes, declaring the new territory added to the district.

55868. From and after the date of the order the territory shall be deemed added to and shall form a part of the district subject to all the rights, privileges, powers and responsibilities set forth in this division and necessarily incident thereto and the board may thereupon issue bonds of the district (as it will exist after the addition of the new territory) or bonds of the district chargeable exclusively to the newly added territory, as the case may be, for the amount voted upon at the election.

Applicable law re bonds

55869. The provisions of this division for the form of bonds, issuance and sale of bonds, the levying and collecting of taxes for their payment and of other matters relating to bonds of the district shall govern in the case of these bonds; except, that if the bonds are chargeable exclusively to the newly added territory, taxes for the payment of principal or interest shall be levied solely upon the taxable property in that territory.

CHAPTER 2. INCLUSION OF UNINHABITED LAND

Who may petition to include uninhabited land

55880. If the land sought to be added is uninhabited, or being inhabited no qualified electors reside within its boundaries, the holders of title, or evidence of title, to all of the land sought to be added, may file with the clerk of the board a petition in writing, praying that the land be added to the district.

55881. The county assessment roll last equalized at the time the petition was filed, shall be conclusive evidence as to the holders of title, or evidence of title, to the land

Petition contents

55882. The petition, which may consist of any number of separate instruments, shall set forth and describe the boundaries of the proposed addition, and pray that the land within the boundaries be added to the district.

Affidavit, etc

55883. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom the petition was signed, shall be sufficient evidence of the genuineness of the signatures of the persons signing the petition.

Defective petition

55884. No defect in the contents of the petition shall vitiate any proceeding, if the petition has been signed by the holders of title, or evidence of title to all of the land sought to be added to the district.

County assessor's certificate

55885. Upon the filing of the petition, the clerk shall present it to the county assessor, who shall within ten (10) days issue and file a certificate with the clerk as to whether the petition has been signed by the holders of title or evidence of title to all of the land within the boundaries described and set forth in the petition.

Board's determination

55886. At its first regular meeting following the filing of the certificate by the county assessor, the board shall ascertain whether the petition in all respects complies with the requirements therefor, except that the certificates, acknowledgments and affidavits mentioned in this chapter shall be conclusive evidence of the sufficiency of the signatures to the petition, and as to whether the owners of title, or evidence of title, to all of the land in the district have signed the petition.

55887. The board shall determine whether the addition to the district of the land sought to be annexed will be for the best interests of the district and, if it finds that the addition to the district will not be for the best interests of the district, it shall reject the petition.

Special election

55888. If the petition complies with the requirements, the board at such meeting, or at its next succeeding regular meeting, shall call a special election within the boundaries of the existing district, to vote upon the question of whether the land described in the petition shall be added to the district.

Date; proposition

55889. The special election shall be held upon a date not later than 60 days after the meeting of the board at which the petition was presented. At the special election, the proposition submitted to the qualified electors residing within the waterworks district shall be "Shall the land described in the petition

filed with the board of _____ on the _____ day of _____, 19___, be annexed to and become a part of _____ County Waterworks District No. _____."

55890. If at the election a majority of the votes cast in the district then existing are in favor of the proposition of adding the new territory and incurring any bonded indebtedness, then the board shall enter an order to that effect upon its minutes, declaring the new territory added to the district. From and after the date of the order the territory shall be deemed added to and shall form a part of the district subject to all the rights, privileges, powers and responsibilities set forth in this division and necessarily incident thereto and the board shall be authorized and empowered to issue bonds of the district authorized at the election. Inclusion order

55891. In every respect not in conflict with this chapter, the provisions of Chapter 1 of this part, relating to the calling and conducting of elections, the voting and issuance of bonds, and the entry of orders or resolutions, shall govern the conduct of the annexation proceedings. Applicable law

CHAPTER 3. VOLUNTARY DISSOLUTION

55910. Any district may, except as otherwise provided in this division, be dissolved by the board provided in this chapter. Dissolution by board

55911. Upon receiving a petition signed by 50 or more freeholders and residents of the district, requesting the dissolution of the district, the board shall fix a time for hearing the petition, which shall be not less than 10 nor more than 30 days after the receipt of the petition, and shall, at least five days prior to the time fixed, publish notice of the hearing by one insertion in a daily, weekly or semiweekly newspaper printed, published and circulated in the county. Petition, etc.

55912. At the time appointed for the hearing, or at any time to which it may be adjourned, the board shall hear and pass upon the petition. Hearing

55913. The board may grant or deny the petition and its decision shall be final and conclusive.

55914. If the petition is granted, the board shall, by ordinance or resolution, order the dissolution of the district, and the district shall thereby be dissolved. Dissolution order

55915. If at the time of the dissolution of the district there is any outstanding bonded or other indebtedness of the district, then taxes for its payment shall be levied and collected the same as if the district had not been dissolved. Outstanding indebtedness

55916 The board may upon the dissolution of the district convey all or any portion of the property of the dissolved district and all or any portion of the property which was acquired for the district to any irrigation district which includes within its boundaries at least three-fourths of the land constituting the district prior to its dissolution, for the use and benefit of the land. The conveyance may be made without compensation for the property conveyed. "Property" as used in this section Conveyance of property

includes ditches, canals, pipelines, pumping plants, equipment, and all other property both personal and real.

CHAPTER 4. INVOLUNTARY CHANGES IN ORGANIZATION

Article 1. Inclusion in Municipality Owning Waterworks

Inclusion in municipality owning waterworks Dissolution

55930. Whenever all of the territory in a district is annexed to, or otherwise included within, any municipal corporation owning works for supplying inhabitants with water, then the district shall be deemed dissolved.

Property ownership

55931. Upon the dissolution, the property of the district shall become the property of the municipal corporation and shall become a part of, and be used in connection with, the works owned by the municipal corporation.

Authority to issue bonds

55932. The municipal corporation shall have authority to issue and sell any bonds of the district previously voted but not issued and sold.

Proceeds

55933. The proceeds of the sale of the bonds shall be placed in the city treasury to the credit of the proper district fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election.

Duties

55934. The municipal corporation and its proper officers shall, as to the property, and as to the levy and collection of taxes to meet and make the payments of principal and interest on outstanding bonds of the district, perform the duties vested in and imposed upon the county, the board, and other officers prior to the annexation or inclusion.

Transfer of money

55935. All money in the county treasury to the credit of any fund of the county waterworks district shall, upon the annexation or inclusion of the territory, be transferred to the treasury of the municipal corporation and be used only for the purposes for which it was available prior to the transfer.

Article 2. Inclusion in Municipality Not Owning Waterworks

Inclusion in municipality not owning waterworks Dissolution

55950. Whenever a municipal corporation at the time of its incorporation owns no works for supplying its inhabitants with water and all of the works and system of a county waterworks district used for supplying the district's inhabitants with water and all the territory of the district, except that owned by the United States, are located within the boundaries of the municipal corporation at the time of its incorporation, then the county waterworks district shall be deemed dissolved.

Property ownership

55951. Upon dissolution its property shall become the property of the municipal corporation.

Bond cancellation

55952. Any bonds of the district, previously voted, but not issued and sold, shall be canceled.

Duties

55953. The municipal corporation and its proper officers, as to the property, shall perform the duties of the county, the board, and its officers exercised by them, prior to the annexation or inclusion, except as specifically provided otherwise.

55954. Upon annexation or inclusion, all money in the county treasury to the credit of any fund, other than funds for the payment of any outstanding obligations of the district, shall be forthwith transferred to the treasury of the municipal corporation and be used only for the purposes for which it was available prior to the transfer. Transfer of money

55955. The annexation or inclusion shall not affect any outstanding obligation of the district, and the board of supervisors shall levy taxes, pursuant to the provisions of this division, as may be necessary to make required payments therefor. Outstanding obligations

55956. Where a municipality has been previously incorporated and a district therein has been dissolved prior to October 1, 1949, pursuant to the provisions of this article, the district is dissolved effective October 1, 1949. Date dissolution effective

PART 5. REPEALS

55990. Chapter 370 of the Statutes of 1913 is hereby repealed. Repeal

55991. The repeal effected by this part shall not be construed to deprive any district or any person or other entity of any substantial right which would have existed or hereafter exists had such repeal not been effected.

CHAPTER 156

An act to amend Sections 28105, 28109, 28110, 28111, 28112, 28113, 28114, 28115, 28117, 28119, 28120, 28121, 28123, 28124, 28125, 28126, 28127, 28128, 28129, 28131, 28132, 28133, 28134, 28135, 28136, 28137, 28139, 28141, 28142, 28143, 28145, 28146, 28147, 28148, 28150, 28152, 28153, 28155, and 28156 of the Government Code and to repeal Section 28101.1 of said code, relating to salaries of county officers.

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.] In effect September 9, 1953

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

SECTION 1. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Salaries Contra Costa County

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year.

(c) Each supervisor, six thousand dollars ($6,000) a year for personal services performed by him as supervisor and member of the board of equalization. Each supervisor shall be allowed not to exceed 5 percent of his monthly salary for expenses necessarily incurred in the conduct of his office. He shall file an

itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of seven cents ($0.07) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at seven cents ($0.07) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 28109 of said code is amended to read:

Fresno County

28109 In a county of the ninth 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, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work within office hours.

(c) Each supervisor other than the chairman of the board, four thousand eight hundred dollars ($4,800) a year for all services. The chairman of the board of supervisors, six thousand dollars ($6,000) a year for all services as chairman. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(4) In addition to the sums mentioned in this section, the chairman of the board of supervisors shall receive twenty-five dollars ($25) a month for the use of his privately owned automobile in the discharge of necessary official business.

(d) Grand jurors and trial jurors in the superior courts, three dollars ($3) a day while engaged in the performance of the duties required of them by law, and the mileage allowed by law. Trial jurors in the justice courts shall receive three dollars ($3) a day and no mileage.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties The expenses and the salaries designated in this section for such officers, except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this State, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this State, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

SEC. 3. Section 28110 of said code is amended to read:

28110. In a county of the tenth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office four thousand eight hundred dollars ($4,800) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county

San Mateo County

Each grand juror and trial juror in the superior court shall receive for each day's attendance, three dollars ($3) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be al-

lowed but once during each session the juror is required to attend.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 4. Section 28111 of said code is amended to read:

Kern County

28111. In a county of the eleventh class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, eight thousand seven hundred fifty dollars ($8,750) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year and actual and necessary expenses incurred in the performance of the duties of his office.

(d) For attending as a grand juror, for each day's actual attendance, six dollars ($6), and fifteen cents ($0 15) a mile for each mile actually traveled in going only.

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0 15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, three dollars ($3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

If it is not legally competent to pay the compensation provided by this section 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.

SEC. 5. Section 28112 of said code is amended to read:

Orange County

28112. In a county of the twelfth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, eight thousand four hundred dollars ($8,400) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations three dollars ($3) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts in criminal cases jurors shall receive for each day's attendance, three dollars ($3). All jurors shall receive ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 6. Section 28113 of said code is amended to read:

San Joaquin County

28113. In a county of the thirteenth 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, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, eight thousand five hundred dollars ($8,500) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid six cents ($0.06) a mile for all mileage traveled within a radius of 200 miles from the county seat; for any one trip over 200 miles, six cents ($0.06) a mile for the first 200 miles of the trip, and three cents ($0.03) for each mile traveled in excess of the first 200 miles of the trip. In addition, each member shall be allowed his actual and necessary traveling expenses including meals and lodging, when required to leave the county on official county business. The chairman of the board of supervisors shall receive, as additional compensation, three hundred dollars ($300) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed three dollars ($3) for each day's attendance, and mileage at the rate of seven cents ($0.07) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance,

irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed three dollars ($3) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of seven cents ($0.07) for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 7. Section 28114 of said code is amended to read:

Riverside County

28114. In a county of the fourteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, seven thousand eight hundred dollars ($7,800) a year, and actual traveling expenses while away from his office on county business.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business outside his district or county. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, Friday, and Saturday of each week.

Each supervisor shall obtain and keep in force a public liability bond in the amount of fifty thousand dollars ($50,000), inuring to the benefit of any and all persons who may be injured or aggrieved by any act or omission of the supervisor in his official capacity. The premium or charge of the bond shall not exceed one-half of 1 percent a year on the amount of the bond and shall be paid by the county in the manner that the premiums or charges for the bonds of public officers are paid.

The provisions of this section relating to the annual compensation of county officers shall apply to incumbents.

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court shall receive for each day's required attendance in court, three dollars ($3), and ten cents ($0.10) for each mile from their residence to and from the county seat, to be allowed only for each day the jurors are required to and do attend.

Trial jurors in justice courts shall receive for each day's required attendance in court, two dollars ($2), and ten cents ($0.10) for each mile from their residences to and from the court to be allowed only for each day the jurors are required to and do attend.

SEC. 8. Section 28115 of said code is amended to read:

28115. In a county of the fifteenth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Tulare County

(a) The county auditor, six thousand three hundred dollars ($6,300) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, four thousand five hundred dollars ($4,500) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed six cents ($0.06) a mile.

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in the superior court, for each day's attendance, two dollars ($2); for attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day; for each mile actually traveled in attending court as a juror, five cents ($0.05) a mile each way.

SEC. 9. Section 28117 of said code is amended to read:

28117. In a county of the seventeenth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Stanislaus County

(a) The auditor, six thousand dollars ($6,000) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year and mileage at the rate of ten cents ($0.10) for each mile traveled to and from the meetings of the board.

Only one mileage at any one session of the board shall be allowed. The county may furnish automobiles to the supervisors for use on any trips taken in performance of their official duties for which mileage would otherwise be allowed. All expenses for fuel, oil, supplies, upkeep, and maintenance of the automobiles shall be paid from county funds The use of automobiles is in lieu of any other mileage.

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

The compensation provided by this section shall be payable to incumbent officers.

SEC. 10. Section 28119 of said code is amended to read:

Solano County

28119. In a county of the nineteenth class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand three hundred dollars ($6,300) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year for all services rendered including mileage. If required to go on business to any point outside of the county, he shall be allowed actual expenses.

(d) Trial jurors in the superior court, three dollars ($3) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fifteen cents ($0.15) for each mile traveled in going only, payable only once in any three days.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 11. Section 28120 of said code is amended to read:

Sonoma County

28120. In a county of the twentieth class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, five thousand five hundred dollars ($5,500) a year.

(b) The district attorney, eight thousand dollars ($8,000) a year He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) Each supervisor, for all services required of him by law or by virtue of his office, five thousand dollars ($5,000) per annum and seven cents ($0.07) a mile in traveling to and from

his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror, when selected to serve, in the superior court, in civil and criminal cases, three dollars ($3) per day.

For each day's attendance when not selected to serve, two dollars ($2), but in no case more than one per diem on any one calendar day. For each mile actually traveled in attending court as a juror in going only, fifteen cents ($0.15).

For each juror sworn to try the cause in a justice court, in civil cases, one dollar and fifty cents ($1.50) a day; in criminal cases, three dollars ($3) a day. A juror excused at his own request is not entitled to a per diem fee, but shall be entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in a justice court, for which no allowance shall be made.

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and ten cents ($0.10) for each mile actually traveled A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 12. Section 28121 of said code is amended to read:

28121 In a county of the twenty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums: Santa Barbara County

(a) The auditor, seven thousand five hundred dollars ($7,500) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, nine thousand six hundred dollars ($9,600) a year for all services He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, four thousand two hundred dollars ($4,200) a year. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual neces-

sary traveling expenses incurred therefor. No other mileage or remuneration and no other traveling expenses shall be allowed.

(d) Grand jurors and trial jurors in the superior court, three dollars ($3), and trial jurors in justice courts, two dollars ($2), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents ($0.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 13. Section 28123 of said code is amended to read:

Merced County

28123. In a county of the twenty-third class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, five thousand dollars ($5,000) a year When required by the board of supervisors to compile an annual statistical report, he shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling the report.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year. He shall not engage in private law practice and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for all services performed by him as supervisor and as member of the board of equalization. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) a day; for each mile traveled in attending court as such juror, twelve cents ($0.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 14. Section 28124 of said code is amended to read:

Humboldt County

28124. In a county of the twenty-fourth 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 dollars ($6,000) a year.

If the board of supervisors in any year orders or directs the auditor to prepare and file its annual statistical report, on performing such services he shall be allowed the further sum of three hundred dollars ($300), payable upon the completion and acceptance of the report, and if the report is mailed throughout the county by the auditor, he shall be allowed the further sum of one hundred dollars ($100).

(b) The district attorney, nine thousand dollars ($9,000) a year. He shall be disqualified from engaging in private law practice.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at eight cents ($0.08) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand dollars ($1,000) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 15. Section 28125 of said code is amended to read:

28125. In a county of the twenty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Santa Cruz County

(a) The auditor, five thousand dollars ($5,000) a year.

(b) The district attorney, five thousand dollars ($5,000) a year.

(c) The chairman of the board of supervisors, two hundred fifty dollars ($250) a month, and each other supervisor, two hundred dollars ($200) a month. Each supervisor shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it is necessary for any supervisor to leave the county for the purpose of performing any of his duties, he shall be allowed his actual expenses

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residence to the county seat, in going only, to be allowed but once during each session the jurors are required to attend.

Any officer entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive mileage at the rate of five cents ($0.05) in a mile traveled.

The salaries and fees provided in this section are in full compensation for all services of every kind and description rendered by the officers named, either as officers or ex officio officers, their deputies and assistants. All fees, commissions, per diem, and expenses provided for by law, and all other money coming into the hands of the officers mentioned, no matter from what source derived or received, shall be the property of the county, and shall be paid into the county treasury by such officers at the same time and in the same manner that other money is required by law to be paid into the county treasury, except, that the district attorney is expressly exempted from this provision, and shall receive the salaries, fees, and commissions, provided by law.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 16. Section 28126 of said code is amended to read:

Butte County

28126. In a county of the twenty-sixth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) The auditor, four thousand dollars ($4,000) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year for all services performed by him as supervisor, member of the board of equalization, or in any other capacity, and shall receive mileage at the rate of six cents ($0.06) for each mile actually traveled within the county in the performance of his official duties, or in going to or from any meeting of said board when traveling by automobile, not to exceed twenty-five dollars ($25) for any one month, and all actual and necessary traveling expenses when traveling on county business outside the county.

Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance and fifteen cents ($0.15) for each mile traveled in attending court as such jurors, in going only.

SEC. 17. Section 28127 of said code is amended to read:

Imperial County

28127. In a county of the twenty-seventh 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 dollars ($6,000) a year

(b) The district attorney eight thousand eight hundred dollars ($8,800) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, three thousand dollars ($3,000) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed seventy-five dollars ($75) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers, and submit signed receipts and vouchers for any expenses in excess of two dollars ($2). Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of seven cents ($0.07) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of seven cents ($0.07) a mile for all mileage actually traveled outside the county shall be paid.

(d) Trial jurors in criminal cases shall receive three dollars ($3) as compensation for each day's attendance for trial in the superior courts, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences in attending the superior court, one way only.

Grand jurors shall receive three dollars ($3) as compensation for each day's attendance at sessions of the grand jury, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences in attending the sessions of the grand jury, one way only, to be allowed but once during each meeting day the grand jurors are required to attend sessions thereof.

All jurors required to attend trials in justice courts shall receive one dollar and fifty cents ($1.50) as compensation for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled in attending such trials, one way only, to be allowed but once during each meeting day the trial jurors are required to attend trial.

As additional compensation and salary to the officers mentioned in this section, the county shall pay one-third of the insurance premium for group life, accident, and health insurance, if such officers are covered by group insurance.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 18. Section 28128 of said code is amended to read:

28128. In a county of the twenty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: San Luis Obispo County

(a) The auditor, five thousand four hundred dollars ($5,400) a year.

(b) The district attorney, seven thousand eight hundred dollars ($7,800) a year. He shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

(c) Each supervisor, for all services required of him as supervisor, three thousand dollars ($3,000) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed six cents ($0.06) a mile, and actual expenses incurred doing county business outside of the county on order of the board of supervisors. He shall also be allowed six cents ($0.06) a mile going to and from his residence to the courthouse to attend regular and special meetings of the board. In lieu of mileage allowed as a member of the board of supervisors, the chairman of the board shall be supplied by the county with an automobile for use in performance of official duties, and all expense for fuel, oil, supplies, upkeep, and maintenance of such automobile shall be paid from county funds.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance. In justice courts in civil cases the jurors sworn to try the cases shall receive two dollars ($2) for each day's attendance. All jurors shall receive fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the place of service. In the justice courts mileage shall be allowed only to those sworn to try the case.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 19. Section 28129 of said code is amended to read:

Kings County

28129. In a county of the twenty-ninth 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 five thousand one hundred dollars ($5,100) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed six cents ($0.06) per mile.

(d) Grand jurors and trial jurors in the superior court, for each day's attendance, three dollars ($3). In justice courts, the jurors sworn to try the case shall receive for each day's attendance two dollars ($2). Each juror shall receive mileage at the rate of six cents ($0.06) each way for every mile actually and necessarily traveled in attending court. In justice courts mileage shall be allowed only to those sworn to try the case.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 20. Section 28131 of said code is amended to read:

Placer County

28131. In a county of the thirty-first 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, five thousand dollars ($5,000) a year.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, for all services rendered as supervisor and as member of the board of equalization, and eight cents ($0.08) for each mile traveled on county business, not to exceed one thousand two hundred dollars ($1,200) in any one year, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and thirty-five cents ($0.35) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session that jurors are required to attend.

Each member of the grand jury shall be allowed six dollars ($6) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of eight cents ($0.08) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 21. Section 28132 of said code is amended to read:

Mendocino County

28132. In a county of the thirty-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 dollars ($6,000) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, three thousand three hundred dollars ($3,300) a year and twelve cents ($0.12) a mile in traveling to and from his residence to the county seat.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance, and six dollars ($6) thereafter, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive two dollars ($2) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

SEC. 22. Section 28133 of said code is amended to read:

Yolo County

28133. In counties of the thirty-third class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, four thousand eight hundred dollars ($4,800) a year.

2 The district attorney, six thousand dollars ($6,000) a year.

3 Each supervisor, three thousand dollars ($3,000) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

The compensation provided by this section shall be payable to incumbent officers.

SEC. 23 Section 28134 of said code is amended to read:

Madera County

28134. In a county of the thirty-fourth 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, five thousand dollars ($5,000) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

(c) Each supervisor, for all services required of him as supervisor three thousand dollars ($3,000) a year. He shall also receive the following mileage and traveling expenses: when using a privately owned automobile, six cents ($0 06) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of six cents ($0 06) a mile or railroad or bus fare, together with

other traveling expenses incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

(d) For attending as a juror in the superior court or in the justice courts, each juror shall be paid three dollars ($3) for each day's attendance upon the court and six cents ($0.06) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 24. Section 28135 of said code is amended to read:

28135. In a county of the thirty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Shasta County

(a) The auditor, four thousand eight hundred dollars ($4,800) a year, which shall include compensation for the compilation of the annual financial report and classified annual pay roll of the county.

(b) The district attorney, five thousand four hundred dollars ($5,400) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and ten cents ($0.10) for each mile necessarily traveled in the performance of his official duties. The chairman of the board of supervisors may receive twenty-five cents ($0.25) a mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

(d) Grand jurors in grand jury duty shall receive six dollars ($6), and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and grand jurors and trial jurors shall receive ten cents ($0.10) for each mile necessarily traveled in attendance. In justice courts the jurors shall

receive five dollars ($5) for each day's attendance and ten cents ($0.10) for each mile necessarily traveled in attendance.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 25. Section 28136 of said code is amended to read:

Siskiyou County

28136. In a county of the thirty-sixth 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, five thousand four hundred dollars ($5,400) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and mileage at the rate of twenty cents ($0.20) a mile for the distance usually traveled in going from his home to the county seat and returning.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the county seat, in going only. Trial jurors in the justice courts shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only

The compensation provided by this section shall be payable to incumbent officers.

SEC. 26. Section 28137 of said code is amended to read:

Sutter County

28137. In a county of the thirty-seventh 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, four thousand two hundred fifty dollars ($4,250) a year.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor shall receive two hundred fifty dollars ($250) a month, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile, one way, for traveling from his residence to the county seat to attend regular, special, and adjourned sessions of the board of supervisors.

(d) Grand jurors and jurors in the superior court shall receive five dollars ($5) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 27. Section 28139 of said code is amended to read:

28139. In a county of the thirty-ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Nevada County

(a) The auditor, one thousand eight hundred dollars ($1,800) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive six cents ($0.06) for each mile traveled on county business, but not to exceed forty dollars ($40) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) Grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of thirty-five cents ($0.35) for each mile actually and necessarily traveled from their residences to the county seat in going only, to be allowed but once during each session the jurors are required to attend. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 28. Section 28141 of said code is amended to read:

28141. In a county of the forty-first class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums: Lassen County

(a) The auditor, eight hundred dollars ($800) a year.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and mileage from his residence to the county seat at each sitting of the board, at twenty-five cents ($0.25) a mile. Each supervisor is, in addition, allowed three hundred dollars ($300) a year to cover mileage expenses at twenty-five cents ($0.25) a mile in viewing the roads. This salary and mileage are in full for all services.

(d) Grand jurors and trial jurors shall receive the following fees and mileage:

(1) Grand jurors and jurors in the superior court shall be paid six dollars ($6) a day for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled in going only, while acting as jurors. The judge of the court shall certify to the auditor the number of days' attendance of each juror and his mileage. The auditor shall draw his warrant on the treasurer in favor of each juror and the treasurer shall pay the warrant.

(2) Trial jurors in any justice court shall receive four dollars ($4) for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled in going to, but not from, the place of attendance. The judge of the justice court shall certify to the auditor the number of days' attendance of each juror, and the auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

(e) Witnesses legally required to appear before the grand jury or the superior court shall receive four dollars ($4) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled in going to, but not from, the place of appearance.

(f) Witnesses legally required to appear in any justice court or before a coroner's jury shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled in going to, but not from, the place of appearance

The compensation provided by this section shall be payable to incumbent officers.

SEC. 29. Section 28142 of said code is amended to read:

El Dorado County

28142. In a county of the forty-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, three thousand six hundred dollars ($3,600) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year. He shall not engage in private law practice during his term of office

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and twenty cents ($0.20) a mile for traveling from his residence to the county seat, not to exceed three hundred dollars ($300) in any one year

(d) Grand jurors and trial jurors in criminal cases in the superior court, for each day's attendance three dollars ($3), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant

SEC 30 Section 28143 of said code is amended to read:

Glenn County

28143 In a county of the forty-third 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, four thousand two hundred dollars ($4,200) a year

(b) The district attorney, five thousand dollars ($5,000) a year.

(c) Each supervisor, two hundred twenty-five dollars ($225) a month and mileage at the rate of twenty cents ($0.20) for each mile actually traveled in the discharge of his duties as supervisor, not to exceed six hundred dollars ($600) a year Each supervisor shall also receive his necessary expenses when the

performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, to be allowed but once during each session the jurors are required to attend.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 31. Section 28145 of said code is amended to read:

28145. In a county of the forty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Plumas County

(a) The auditor, two thousand dollars ($2,000) a year.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year and mileage from his residence to the county seat at each sitting of the board, twenty cents ($0.20) a mile, such compensation to be in full for services as supervisor.

(d) Grand and trial jurors, five dollars ($5) per day and such mileage fees as are allowed by law.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 32. Section 28146 of said code is amended to read:

28146. In a county of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums: Tuolumne County

(a) The auditor, two thousand five hundred twenty dollars ($2,520) a year.

(b) The district attorney, three thousand nine hundred dollars ($3,900) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year for all services performed by him, as supervisor and member of the board of equalization; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a county-wide basis, the salary of each supervisor shall be four thousand eight hundred dollars ($4,800) a year.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, for preliminary examinations and for coroner's inquests, and for transcribing notes in justice courts preliminary examinations, as secretary of the superior court, a monthly salary of two hundred twenty-five dollars ($225) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for

taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid three dollars ($3) a day for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled in attending court as such jurors, in going only. In criminal cases the county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror The auditor shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid two dollars ($2) a day for each day's actual attendance, and twenty-five cents ($0.25) for each mile actually traveled, in going only. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 33. Section 28147 of said code is amended to read:

Inyo County

28147. In a county of the forty-seventh 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, four thousand five hundred dollars ($4,500) a year.

(b) The district attorney, six thousand dollars ($6,000) a year for his full time services. He shall not engage in the private practice of law.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board

(d) Jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance three dollars ($3), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance two dollars ($2), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance,

if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

SEC. 34. Section 28148 of said code is amended to read:

28148. In a county of the forty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Colusa County

(a) The auditor, four thousand two hundred dollars ($4,200) a year.

(b) The district attorney, four thousand six hundred dollars ($4,600) a year.

(c) Each supervisor shall receive two hundred fifty dollars ($250) a month, and mileage for each regular or special meeting of the board for each day's attendance, at eight cents ($0.08) a mile actually traveled. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 35. Section 28150 of said code is amended to read:

28150. In a county of the fiftieth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums: Calaveras County

(a) The auditor, one thousand nine hundred dollars ($1,900) a year.

(b) The district attorney, two thousand nine hundred dollars ($2,900) a year and necessary traveling expenses to be allowed by the board of supervisors.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year, in full payment for services as member of the board of supervisors and member of the board of equalization, and twenty cents ($0.20) a mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county by order of the board on business connected with his office, not to exceed five hundred dollars ($500) a year in the aggregate for all members of the board.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) and twenty-five cents ($0.25) for each mile actually traveled one way as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 37. Section 28152 of said code is amended to read:

Amador County

28152. In a county of the fifty-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, one thousand five hundred dollars ($1,500) a year.

(b) The district attorney, two thousand four hundred dollars ($2,400) a year. He may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year, for his services as supervisor and ten cents ($0.10) a mile for traveling from his residence to the county seat and return for each regular or special session of the board.

(d) Grand jurors and jurors in the superior court, six dollars ($6) for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled, in going only, while acting as such jurors. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each juror for the per diem and mileage and the treasurer shall pay the warrant.

SEC. 38. Section 28153 of said code is amended to read:

Del Norte County

28153. In a county of the fifty-third 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, two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, two thousand seven hundred dollars ($2,700) a year and such fees as are paid to that officer.

(c) Each supervisor, one hundred dollars ($100) a month and seven cents ($0.07) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

SEC. 39. Section 28155 of said code is amended to read:

28155. In a county of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Trinity County

(a) The auditor, one thousand eight hundred dollars ($1,800) a year.

(b) The district attorney, three thousand six hundred dollars ($3,600) a year.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year and mileage from his residence to the county seat at each sitting of the board, at twenty cents ($0.20) a mile.

(d) Grand jurors, six dollars ($6), and trial jurors in the superior courts, five dollars ($5), for each day's attendance and mileage at the rate of twenty-five cents ($0 25) for each mile necessarily traveled in attending court, in going only. In the justice courts the jurors shall receive five dollars ($5) for each day's attendance and twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 40. Section 28156 of said code is amended to read:

28156. In a county of the fifty-sixth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Sierra County

(a) The auditor, seven hundred dollars ($700) a year.

(b) The district attorney, two thousand two hundred dollars ($2,200) a year and his necessary traveling expenses, to be allowed by the board of supervisors.

(c) Each supervisor, one thousand five hundred dollars ($1,500) a year, for all services rendered as supervisor and member of the board of equalization. He shall also receive six cents ($0.06) for each mile traveled on county business, not to exceed thirty dollars ($30) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, six dollars ($6), and thirty-five cents ($0 35) for each mile actually traveled one way as grand juror or trial juror. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

SEC. 41. Section 28101.1 of said code is repealed. Repeal

CHAPTER 157

An act to amend Section 32100.5 of the Health and Safety Code, relating to hospital districts.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Section 32100.5 of the Health and Safety Code is amended to read:

Hospital district general election

32100.5. An election which shall be known as the hospital district general election, shall be held in each local hospital district on the third Tuesday in November or on the first Tuesday after the first Monday in November in each even-numbered year, as the board of directors shall determine, at which a successor shall be chosen to each officer whose term shall expire on the first Tuesday of January following such election, except that upon consent granted prior to August 1st of the even-numbered year by the board of supervisors of the county in which the district or the greater portion thereof is located, said election may be consolidated with the next following November general election, unless the board of directors has dispensed with said election as provided in Section 32100.4 of this code.

The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected, shall be four years, or until his successor is elected and has qualified.

CHAPTER 158

An act to amend Section 209 of the Health and Safety Code, relating to the powers and duties of the State Department of Public Health.

In effect September 9, 1953

[Approved by Governor April 8, 1953. Filed with Secretary of State April 9, 1953.]

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

SECTION 1. Section 209 of the Health and Safety Code is amended to read:

Session report

209. It shall at each general session of the Legislature make a report with such suggestions as to legislative action as it deems proper.

CHAPTER 159

An act to amend Section 17050 of the Government Code, relating to revolving funds.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 17050 of the Government Code is amended to read:

17050. Whenever any state officer or employee accepts payment from a revolving fund of a state agency pursuant to Section 16401, the person authorized to make payments from such revolving fund may indorse any warrant of the Controller drawn in payment of a claim submitted by such state agency or revolving fund check drawn by such state agency made payable to such state officer or employee, on behalf of and in such payee's name for deposit in and reimbursement of such revolving fund and payment of any balance to such payee. The indorsement shall indicate that it is for the purpose of reimbursing a revolving fund pursuant to this section. Reimbursement of revolving fund

SEC. 2. The amendment to Section 17050, Government Code, made by this act shall not affect the validity of any power of attorney executed prior to the effective date of this act. Limitation

CHAPTER 160

An act to amend Section 2046 of the Penal Code, relating to the state correctional system.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.] In effect September 9, 1953

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

SECTION 1. Section 2046 of the Penal Code is amended to read:

2046. The Director of Corrections is authorized to establish a state prison for the confinement of males under the custody of the Director of Corrections. It shall be a medium security institution. Medium security institution

CHAPTER 161

An act to amend Section 13943.5 of the Government Code, relating to the collection of taxes, licenses, fees or other money.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.] In effect September 9, 1953

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

SECTION 1. Section 13943.5 of the Government Code is amended to read:

13943.5. Upon authorization of the State Board of Control a state agency may refrain from collecting taxes, licenses, fees or money owing to the State for any other reason where the amount to be collected is one dollar ($1) or less. State agencies desiring to secure such authorization shall file an application therefor with the State Board of Control accompanied by a statement of the circumstances. Nothing contained in this section shall be construed as releasing any person from the payment of any taxes, licenses, fees or other money which is due and owing to the State. Noncollection of negligible taxes, etc

CHAPTER 162

An act to transfer funds to the San Francisco Harbor Improvement Fund.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

Appropriation transfer

SECTION 1. The unexpended balance of the appropriation made by Section 8 of Chapter 835, Statutes of 1929 shall be transferred by the State Controller to the San Francisco Harbor Improvement Fund.

CHAPTER 163

An act to amend Section 404 of the Fish and Game Code, relating to licenses.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 404 of the Fish and Game Code is amended to read:

Replacement and duplicate licenses

404. Not more than one license of the same class shall be issued to or purchased by a person for the same license year, except upon affidavit showing the loss or destruction or expiration of the license previously issued and upon payment of the full fee, except that duplicate licenses of the classes prescribed in Sections 992 and 1012 will be issued upon payment of a fee of three dollars ($3). Any person authorized by the department to issue licenses may administer the oath without any fee to accompany the affidavit.

CHAPTER 164

An act to amend Section 1342 of the Fish and Game Code, relating to mammals.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 1342 of the Fish and Game Code is amended to read:

Taking rabbits

1342. This article does not prohibit the owner or tenant of land, or any person authorized in writing by such owner or tenant, from taking cottontail or brush rabbits on such land. Any person other than the owner or tenant of such land shall have in possession when transporting rabbits from such property written authority from the owner or tenant of land where such rabbits were taken. Rabbits taken under the provision of this code may not be sold.

CHAPTER 165

An act to amend Section 1159 of the Fish and Game Code, relating to cooperative hunting areas.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1159 of the Fish and Game Code is amended to read:

1159. To provide added protection for landowners and lessees from depredations of trespassers and to provide greater access for the public to hunt on privately owned or controlled lands, the department may contract with the owners or lessees of lands for the establishment of cooperative hunting areas upon such terms as the respective parties may agree subject to the following conditions.

Cooperative hunting areas

In the case of cooperative hunting areas that are operated for upland game and/or big game the area shall be at least 5,000 acres in size, including the open, restricted and closed portions thereof, and may consist of the adjoining lands of one or more owners. In the case of cooperative hunting areas that are operated for waterfowl hunting the area shall be at least 1,000 acres in size, including the open, restricted and closed portions thereof, and may consist of the adjoining lands of one or more owners. The boundaries of such areas shall be posted by the department with a sign stating that legal hunting will be allowed in the area if written permission is obtained from the owner or lessee or his duly authorized agent. The department shall enforce the trespass provisions of the Penal Code and the provisions of this code within such areas.

The commission may establish rules and regulations for the management and control of the hunting on such areas; provided that such rules and regulations shall not conflict with or modify the provisions of this code or its orders of the commission made pursuant to Sections 14 to 19.6 thereof, and that the open season and bag limits for any cooperative hunting area shall not differ from the open season and bag limits as prescribed for the district wherein the cooperative hunting area lies. The owners or owner or lessees or lessee of a cooperative hunting area may collect a daily fee not to exceed two dollars ($2) per day per area from each permit hunter.

Fee

CHAPTER 166

An act to amend Section 16403 of the Government Code, relating to revolving funds.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16403 of the Government Code is amended to read:

Accountability for revolving fund

16403. 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 any time upon the demand of the Department of Finance or the Controller, every revolving fund must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

CHAPTER 167

An act to amend Section 14025 of, and to add Section 14030 to, the Health and Safety Code, relating to fire protection districts.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 14025 of the Health and Safety Code is amended to read:

Fire protection district petition

14025. Fifty or more taxpayers and residents of any unincorporated area may petition the board of supervisors of the county in which the area is situated for the formation of a fire protection district. The petition may include a request that taxes and assessments levied for district purposes be limited to a stated amount.

SEC. 2. Section 14030 is added to said code, to read:

Limitation on taxes, etc

14030. If the petition contained a request that district taxes and assessments be limited to a stated amount, the taxes and assessments levied for the purpose of the district formed pursuant thereto shall be limited to the amount so stated, except as to taxes and assessments for purposes authorized at an election as provided by this chapter.

CHAPTER 168

An act to amend Section 1204 of the Fish and Game Code, relating to the issuance of licenses to feed migratory game birds.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 1204 of the Fish and Game Code is amended to read:

1204. In order to aid in relieving widespread waterfowl depredation of agricultural crops, the commission is hereby authorized to issue licenses under such regulations as it may prescribe to permit the feeding of migratory game birds. The commission may prescribe as an annual fee for such license a sum not to exceed twenty-five dollars ($25).

Birds: License to feed

Fee

CHAPTER 169

An act to add Section 34.5 to the Fish and Game Code, relating to predatory birds and mammals.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 34.5 is added to the Fish and Game Code, to read:

34.5. The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control or eradication of predatory birds and predatory animals and for that purpose may expend any money made available to the department for expenditure for control or eradication of predatory birds and predatory animals.

Contracts re predatory birds, etc

CHAPTER 170

An act to codify certain statutes, relating to the organization, operation, and maintenance of a system of state and local government by adding Sections 185, 1229, 6852, 12574, 16301.5, 26027, 26028, 27336, and 37360, to the Government Code; Article 4.5 to Chapter 1 of Division 1 of Title 1 of said code; Chapter 3 to Division 2 of Title 1 of said code; Article 5 to Chapter 2 of Division 4 of Title 1 of said code; Article 5 to Chapter 1 of Division 7 of Title 1 of said code; Chapters 6.5, 10, and 11 to Division 7 of Title 1 of said code; Chapter 5 to Division 1 of Title 2 of said code; Chapter 9 to Part 3 of Division 3 of Title 2 of said code; Parts 6.5, 8, and 10 to Division 3 of Title 2 of said code; Article 6 to Chapter 2 of Part 2 of Division 4 of Title 2 of said code; Article 3 to Chapter 9 of Part 2 of Division 3 of Title 4 of said code; and by repealing certain acts specified herein.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 185 is added to the Government Code, to read:

Conveyance of state lands to United States

185. The Governor may execute and deliver to the United States all necessary deeds or other conveyances on behalf of the State, in any case where the Legislature conveys to the United States land, rights of way, or other easements in land held by the State, to permit the United States to carry out public work projects, relief projects, or other projects which are intended to aid in the economic rehabilitation of the people of the State.

SEC. 2. Article 4.5, comprising Sections 190 to 196, inclusive, is added to Chapter 1, Division 1, Title 1 of said code, to read:

Article 4.5. Acquisition and Sale of Excess Land

"Land"

190 "Land" when used in this article includes any interest, easement, or reservation in land.

Acquisition of excess land

191. Whenever the State or any city or county may acquire land in excess of the land actually needed or used for public purposes in connection with the establishing, laying out, widening, enlarging, extending, or maintaining of memorial grounds, streets, squares, parkways, or reservations, the acquisition, maintenance, and use of such land and the sale, disposition, and conveyance and the establishment in connection therewith of any reservations concerning the future use and occupation of such land so as to protect the public works or improvements and their environs which it adjoins and to preserve the view, appearance, light, air, and usefulness of such public works shall be conducted and maintained pursuant to this article.

192. Every act of the State authorizing the State, any city or county to acquire land for the purposes of establishing, laying out, widening, enlarging, extending, or maintaining memorial grounds, streets, squares, parkways, or other public places, shall be construed as including among its purposes the acquisition of land in excess of the land actually needed or used for public purposes.

Sale:

193 If the State, any city, or county acquires any land under Section 14½ of Article I of the Constitution or this article, which land is in excess of the land actually needed or used for public purposes, the State, city, or county may sell such land or any interest therein and may reserve in the land any reservation, easement, interest, or right that public interest, necessity, or convenience requires to preserve the view, appearance, light, air, and usefulness of any public memorial grounds, streets, squares, parkways, places, or works.

Notice

194. No such sale shall be made by a city or county except by its legislative body, nor until after at least thirty (30) days' notice is given. Such notice shall be published once a week for four successive weeks in a newspaper of general circulation published within the jurisdiction of the legislative body. The notice shall:

(a) Describe the land or lands to be sold.

(b) Set forth in general terms the interests, easements, or reservations to be reserved by the public.

(c) State the time and place of the sale.

(d) Call for sealed bids in writing.

195. At the time and place set for the sale, the legislative body shall open any bids received in response to the notice and shall sell the land to the highest bidder, except that it may at that time or at any time to which the sale is continued receive any higher bids and may reject any bid failing to comply with the terms of purchase set forth in the notice. Bids

196. Money derived from the sale of land pursuant to this article shall be immediately paid into the fund from which payment was made for the land. If the land was purchased with funds derived from the levy of any assessment or tax upon property benefited, the money derived from the sale of the land shall be distributed as refunds to the persons paying those assessments or taxes in proportion to the amounts levied or assessed against them or thereafter to be levied or assessed against them to meet any bonds as yet unpaid by them. Money to be refunded to any person pursuant to this article shall first be applied to any indebtedness of such person or his successor in interest on account of any tax or assessment levied or any bond issued to pay the cost of any improvement done or performed by the public body, all or part of the cost of which is levied or taxed against the land of that person. Disposal of proceeds of sale

SEC. 3 Chapter 3, comprising Sections 430 to 437, inclusive, is added to Division 2, Title 1 of said code, to read:

CHAPTER 3. DISPLAY OF FLAGS

430 The Flag of the United States and the Flag of the State of California (the Bear Flag) shall be prominently installed, displayed, and maintained in the following places: Display of flags Courtrooms

(a) In the courtrooms of all courts of the State.

(b) In all rooms where any court or any state, county, or municipal commission holds any sessions.

431. The Flag of the United States and the Flag of the State shall be prominently displayed during business hours upon or in front of the buildings or grounds of or at each of the following places: Public buildings, parks, etc

(a) Each public building belonging to the State, a county, or a municipality.

(b) At the entrance and exit of every state park.

(c) At the entrance or upon the grounds of the University of California at Berkeley and at Los Angeles.

(d) At the entrance or upon the grounds or upon the administration building of every university, college, high school, and elementary school, both public and private, within the State.

(e) Upon or at every agricultural inspection station just inside California and located on every highway leading into California.

(f) At the entrance of or within every state highway maintenance station where personnel reside or are on duty at the time necessary to raise and lower the Flag.

Stadiums, bowls, etc

432. The Flag of the United States and the Flag of the State shall be prominently displayed during any and all games and performances of every kind which take place in a coliseum, stadium, bowl, or other open air sites, and at all race tracks where racing is being conducted.

Parades

433. The National and State Flags shall be carried at the head of any procession or parade of:

(a) The National Guard.
(b) The California State Guard.
(c) Any other state military organization.
(d) Sheriff's posse.
(e) City police or fire department.

Acquisition, etc., of flags

434. Where the installation or display of the Flag of the United States and the Flag of the State in a place publicly owned, whether by the State, a county, or a municipality, is prescribed, public officials charged with furnishing the place shall provide for the acquisition of the flags and their installation, display, and maintenance pursuant to this chapter.

Similar flags

435. Where a city or county has adopted an official flag, it is unlawful for any other city or county to adopt an official flag so similar that it might deceive or mislead anyone as to the city or county to which it belongs.

Size and manner of display

436. Where the National and State Flags are used, they shall be of the same size. If only one flagpole is used, the National Flag shall be above the State Flag and the State Flag shall be hung in such manner as not to interfere with any part of the National Flag. At all times the National Flag shall be placed in the position of first honor.

Enforcement

437. The superior court having jurisdiction of the offense shall enforce this chapter on the complaint of any citizen of the county.

SEC. 4. Section 1229 is added to said code, to read:

Safekeeping of public records

1229. Any public officer who is charged with the custody of public records may take any action, including the transfer of such records to another place within the State, necessary for the safekeeping of such records during any duly proclaimed extreme emergency pursuant to Division 7 of the Military and Veterans Code.

SEC. 5. Article 5, comprising Sections 1400 to 1413, inclusive, is added to Chapter 2, Division 4, Title 1 of said code, to read:

Article 5. Special Police Protection of Public Property

"State"

1400. As used in this article, "state" includes any political subdivision, department, agency, or district of such state.

"Appointing authority"

1401. As used in this article, "appointing authority" includes the Governor of this State or any officer, council, or agency to whom or which he may delegate his powers and duties under this article.

Special police

1402. Upon application of the governor of any state owning or having an interest in property situated wholly or partly in

this State the appointing authority may appoint and deputize as special policemen, with the powers and duties prescribed in this article, such number of persons designated in the application as are deemed necessary for the additional protection of such property.

Applications

1403. Applications under this article shall be made in writing upon forms prescribed by the appointing authority and shall contain the name, age, nationality, and residence address of each person for whom an appointment as special policeman is sought and such other information concerning such person as the appointing authority requires. If he changes his residence address, he shall immediately give notice of his new address to the appointing authority.

Certificate of appointment

1404. The appointing authority shall issue a certificate of appointment to each person appointed pursuant to this article, in such form as it may prescribe. This certificate shall constitute the appointee's authority to exercise the powers and duties imposed upon him by this article.

Oath of office

1405. Within 15 days after his certificate of appointment has been issued and before entering upon the duties of his office, each appointee shall take and subscribe the constitutional oath of office and file it in the office of the appointing authority. No person shall be appointed a special policeman under this article unless he is a citizen of the United States, of good moral character, and has not been convicted of a felony.

Powers and duties

1406. Each appointee has the duty of protecting and preserving the property described in the application for his appointment. He has power to arrest any person trespassing or committing offenses or crimes on such property. He has the powers of a peace officer only upon or in connection with the property described in the application for his appointment. When on duty he shall wear an appropriate metallic badge upon which is inscribed "special policeman." He has power to possess and carry such firearms and other weapons while on duty as are prescribed by the appointing authority.

Employer

1407. Each appointee under this article is the employee of the state requesting his appointment. His compensation shall be fixed in such amount as is agreed upon between him and that state, and shall be paid by it.

Liability for acts

1408. This State is not liable or accountable in any way for the appointment of such special policeman or for any act or omission on his part in connection with his powers and duties under this article.

Termination of authority

1409. The appointment and authority of any special policeman under this article shall terminate whenever the governor of the state requesting his appointment files a notice in the office of the appointing authority in such form as the latter may prescribe that his services are no longer required. The appointing authority has power on its own motion, at any time, for any reason or cause it deems sufficient, to revoke the appointment of any such special policeman by filing a revocation in its office and mailing a notice of the filing to the governor

of the state requesting his appointment and to the person whose appointment is revoked, at his residence address as it appears in the latest statement on file.

Penalty

1410. If such person, knowing of such revocation, exercises or attempts to exercise any power of a special policeman under this article he is guilty of a misdemeanor. The filing and mailing of notice of revocation is presumptive evidence that he knew of the revocation.

Supervision and control

1411. Every appointee under this article is subject to the rules and regulations of the appointing authority and to the supervision and control of such person as the Governor of this State may designate.

Protection of out-of-state property

1412. The Governor of this State may make application to the governor of any other state for the appointment of special policemen for the additional protection of property situated wholly or partly in the other state, owned by this State, or in which it has any interest.

Compensation and expenses

1413. The state owning or having an interest in the property for the protection of which any such special policeman is appointed is liable for the compensation and expenses of the policeman and has full authority to provide for the payment of his compensation and expenses. Nothing in this section shall be construed to relieve the state in which all or any part of such property is situated from its duty to furnish such normal police protection as is ordinarily and customarily provided for other property situated in this State.

SEC. 6. Article 5, comprising Sections 6075 to 6078, inclusive, is added to Chapter 1, Division 7, Title 1 of said code, to read:

Article 5. Foreign Language Newspapers

"Newspaper"

6075. As used in this article, "newspaper" includes weekly newspaper, magazine, periodical or other publication.

Filing of translations

6076. The publisher or owner of any newspaper published in the foreign language of any enemy nation shall file with the district attorney of the county in which it is printed or distributed a correct translation in English of every article, statement, or word published in the newspaper.

Furnishing translations on request

6077. Upon request the publisher shall furnish to the Attorney General or to the district attorney of the county where the newspaper is published a translation of any article, statement, or word published in the newspaper. The translation shall be certified as correct by one competent to make a translation.

Penalty

6078. Any person violating this article is guilty of a misdemeanor.

SEC. 7. Chapter 6.5, comprising Section 6650, is added to Division 7 of Title 1 of said code, to read:

CHAPTER 6.5. STATE SUPPORTED BANDS OR ORCHESTRAS

Bands, etc

6650. Any band or orchestra organized by or maintained by any institution supported in whole or in part by public

funds or granted any tax exemption as an educational institution shall not furnish music at any event where an admission is charged by any private person, partnership operating for profit, or corporation organized for profit.

This section does not prohibit the use of school, college, or university bands or orchestras at any legitimate school, college, or university activity. Exceptions

Violation of this section is a misdemeanor.

SEC. 8. Section 6852 is added to said code, to read:

6852. All legal tender notes issued by the United States shall be received at par in payment for all taxes due this State, or to any county or municipal corporation of this State. Legal tender notes

SEC. 9. Chapter 10, comprising Section 6860, is added to Division 7, Title 1 of said code, to read:

CHAPTER 10. FARM LOAN BONDS

6860. Farm loan bonds issued under the Federal Farm Loan Act approved July 17, 1916, are a lawful investment for all public funds and for the funds of executors, administrators, guardians, receivers, and trustees of every kind and nature. Whenever any bonds may by law be used as security for the performance of any act, such farm loan bonds may be so used. Farm loan bonds

SEC. 10. Chapter 11, comprising Sections 6900 to 6909, inclusive, is added to Division 7, Title 1 of said code, to read:

CHAPTER 11. VENDING STANDS FOR BLIND

6900. For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this chapter, except as otherwise provided, may operate vending stands in any building owned or occupied by the State or by any county or city for the vending of articles pursuant to this chapter. Vending stands

6901. This chapter does not apply nor authorize the installation of vending stands in any building wholly used by any educational institution of any type supported in whole or in part from public funds unless such educational institution is of university or college or junior college grade. Exception

6902. The Director of Finance may construct and install or permit the construction and installation of vending stands for operation by licensed blind persons in any building owned or occupied by the State. The governing board of any county may also construct and install or permit the construction and installation of vending stands for operation by blind persons in any building owned or occupied by the county. The governing board of any city may construct and install or permit the construction and installation of such vending stands for operation by such blind persons in any building owned or occupied by the city. State, etc., buildings

Bureau of Vocational Rehabilitation.

6903. The Bureau of Vocational Rehabilitation in the State Department of Education shall administer this chapter subject to the direction of the Director of Education.

Duties and functions

6904. The bureau shall:

(a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings.

(b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this chapter

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building.

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States, 21 years of age or over, and who have resided in the State at least five years immediately preceding date of application for license.

Licenses

6905. In issuing licenses for the operation of vending stands, preference shall be given blind persons who are in need of employment. Licenses shall be issued only to applicants who are blind within the meaning of this section but who are able and qualified in spite of such infirmity to operate such stands.

"Blind person"

As used in this section, "blind person" means a person having not more than 10 percent visual acuity in the better eye with correction. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye

Indefinite period, termination

6906. Each license shall be issued for an indefinite period, but may be terminated by the licensing agency when that agency is satisfied that the stand is not being operated in accordance with the rules and regulations prescribed by it.

Use of vending stand

6907. A vending stand operated pursuant to this chapter shall be used solely for the vending of newspapers, periodicals, candies, chewing gum, tobacco products, picture postcards, and such other articles as are approved by the bureau and by the person, governing board, or legislative body having the care, custody, and control of the building in which the stand is operated.

City, county ordinances

6908. The operator of each vending stand is subject to the provisions of any ordinance of the county or city in which the stand is located requiring a license or permit for the conduct of such business, but any such license or permit shall be issued free of charge to a qualified blind person licensed under this chapter.

The person, governing board, or legislative body having the care, custody, and control of the building in which a vending stand is operated pursuant to this chapter has the right to approve, disapprove, or withdraw approval of the person operating a vending stand.

Guide dogs

6909. Blind persons who are authorized to operate vending stands in any building owned or occupied by the State, any

county, or city may keep their guide dogs with them in the building while operating the vending stands.

SEC. 11. Chapter 5, comprising Section 8400, is added to Division 1, Title 2 of said code, to read:

CHAPTER 5. MISCELLANEOUS

8400. The inclusion of any question relative to an applicant's race or religion in any application blank or form required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this State is prohibited. Race, religion

Any person who violates this section is guilty of a misdemeanor.

SEC. 12. Section 12574 is added to said code, to read:

12574. The Attorney General may employ additional special agents and investigators not exceeding 10 in number, to enable him to carry out his duties relative to sabotage and subversive activities. The special agents and investigators are exempt from civil service. Special agents, etc

SEC. 13. Chapter 9, comprising Sections 13800 to 13802, inclusive, is added to Part 3, Division 3, Title 2 of said code, to read:

CHAPTER 9. DIVISION OF COMMUNICATIONS

13800. There is in the Department of Finance a Division of Communications. Division of Communications

13801. The Director of Finance and the chief of the division shall confer with the Communications Board and obtain its advice and counsel as to the purchase, installation, maintenance, operation, and use of existing or proposed publicly owned communications facilities. Publicly owned communications facilities

13802. The division may acquire, install, equip, maintain, and operate new or existing communications systems and facilities. To accomplish that purpose, it may, in the name of the State, enter into contracts, obtain licenses, acquire property, install necessary equipment and facilities, and do such other acts as will provide adequate and efficient communications systems. Any system established shall be available to all public agencies in the State on such terms as may be agreed upon by the agency and the division. Acquiring, equipping, etc., systems, etc

SEC. 14. Part 6.5, comprising Sections 15250 to 15300, inclusive, is added to Division 3, Title 2 of said Code, to read:

PART 6.5. CALIFORNIA STATE COMMUNICATIONS LAW

CHAPTER 1. GENERAL

15250. This part may be cited as the California State Communications Law. Short title

15251. As used in this part, "board" means Communications Advisory Board. "Board"

Purpose

15252. The purpose of this part is to improve and coordinate the use of radio and other communications facilities owned and operated by the State, the cities, counties, and other political subdivisions thereof, in order to eliminate duplications and interferences, to bring about economies which could not otherwise be obtained, and to establish a service whereby a properly engineered well-planned program of communications may be provided to all public agencies in the State in the most economical manner.

Applicability

15253. This part shall apply only to those communications facilities which are owned and operated by public agencies in connection with official business of law enforcement services, fire services, natural resources services, agricultural services, and highway maintenance and control of the State or of cities, counties, and other political subdivisions in this State. This part shall not be construed as conferring upon the Division of Communications or the Communications Advisory Board control of programs or broadcasts intended for the general public.

Prohibitions against use

15254. Radio and other communications facilities owned or operated by the State and subject to the jurisdiction of the Division of Communications or the board shall not be used for political, sectarian, or propaganda purposes Such facilities shall not be used for the purpose of broadcasts intended for the general public, except for fire, flood, frost, storm, catastrophe, and such other warnings and information for the protection of the public safety as the board may prescribe.

CHAPTER 2. ADMINISTRATION

Article 1. The Board

California State Communications Advisory Board

15275. There is in the State Government the California State Communications Advisory Board which consists of:

(a) The Director of Finance.

(b) Three representatives of the law enforcement services in this State, one of whom shall be representative of city or city and county law enforcement services, one of county law enforcement services, and one of state law enforcement services, appointed by the Governor subject to the confirmation of the Senate.

(c) Three representatives of the fire services in this State, one of whom shall be representative of city or city and county fire services, one of whom shall be representative of county or district fire services, and one of whom shall be representative of the state fire services, appointed by the Governor subject to the confirmation of the Senate.

Chairman

15276. The Governor shall designate one member of the board as chairman.

Secretary, etc

15277. The board may appoint a secretary and such other staff members as the board and the Director of Finance determine are necessary to carry out the purposes of this part.

Technical assistance

15278. The technical assistance required by the board and its staff shall be provided by the Division of Communications.

15279. Of the six members of the board other than the Director of Finance, two shall be appointed for a term expiring December 31, 1948, two for a term expiring December 31, 1949, one for a term expiring December 31, 1950 and one for a term expiring December 31, 1951. Subsequent appointments in each instance shall be for terms of four years, ending on December 31st of the fourth year after the end of the prior term, except that appointments to fill vacancies occurring for any reason other than the expiration of the term shall be for the unexpired portion of the term in which they occur. The members of the board shall hold office until their successors are appointed and qualify. Terms

15280. Each appointment made by the Governor to the board shall be subject to confirmation by the Senate at the next session of the Legislature following such appointment, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made. Confirmation by Senate

15281. The members of the board shall not receive compensation from the State for their services under this part but, when called to attend a meeting of the board, shall be reimbursed for their actual and necessary expenses incurred in connection with such meeting, or in lieu of such expenses shall receive mileage and fifteen dollars ($15) each day of actual service. Compensation and expenses

15282. The board shall hold meetings at such times and places as the chairman may direct or upon the written request of any three members of the board. Meetings

CHAPTER 3. DUTIES AND POWERS

15300. The board shall: Duties

(a) Survey existing and proposed publicly owned and operated communications facilities within the State for the purpose of providing advice concerning an adequate communication system or systems available to public agencies at the least possible expenditure of public funds, and annually report to the Governor and to the Legislature its findings and recommendations with reference thereto.

(b) Provide adequate representation of local and state governmental bodies and agencies before the Federal Communications Commission in matters affecting the State and its cities, counties, and other public agencies.

(c) Provide upon request adequate advice to state and local agencies in the State concerning existing or proposed communications facilities.

(d) Coordinate, in an advisory capacity, the operation and use of existing or proposed publicly owned and operated communications facilities between any and all of the following: cities, counties, other political subdivisions of the State, state departments, agencies, boards, and commissions, and departments, agencies, boards, and commissions of other states and federal agencies.

(e) Make and adopt necessary rules and regulations affecting its procedure and conduct.

(f) Recommend to the appropriate state and local agencies such rules, regulations, procedures, and methods of operation as it deems necessary to effectuate the most efficient and economical use of publicly owned and operated communications facilities within this State.

(g) Investigate proposed expenditures of state funds for communications facilities upon request of the Director of Finance and to report to him its findings and recommendations.

(h) Carry out the policy of this part.

SEC. 15. Part 8, comprising Sections 15500 to 15506, inclusive, is added to Division 3, Title 2 of said code, to read:

PART 8. LOCAL AGENCY ALLOCATION LAW

Short title

15500. This part may be cited as the Local Agency Allocation Law.

Definitions

15501 As used in this part:

(a) "Local agencies" means cities, counties, housing authorities, districts, and any other local public agencies.

(b) "Public works projects" means acquisition and improvement of sites, construction, modification, and alteration of public buildings, airports, water supply systems (including when incidental to a public works project (1) highways, streets, bridges, and other street and highway structures, and (2) plan preparation and equipment), and publicly owned and operated facilities, including but not limited to sewage treatment and disposal plants and sanitary facilities.

(c) "Board" means State Allocation Board.

Allocations, apportionments of appropriations

15502. Whenever the Legislature makes an appropriation of state or federal funds for apportionment or allocation to any class or classes of local agencies for public works projects, or whenever any state officer or agency is authorized by law to receive or accept any money from the Federal Government or from other sources for the purpose of making such apportionments or allocations, and if no state officer or agency, other than the State Allocation Board, is authorized and empowered by law to make the allocations or apportionments, they shall be made solely by the board.

Same Rules and regulations

15503 Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate.

Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Assistance

15504 The Director of Finance shall provide the board with the assistance it may require in order to carry out the provisions of this part.

15505. Any money appropriated for allocation or apportionment upon a fixed formula basis or upon a basis not requiring the exercise of judgment or discretion as to the amount of or the terms and conditions under which allocations and apportionments are to be made is exempt from this part unless the Legislature expressly provides otherwise. Exemption

15506. This part shall not be construed as affecting or changing any authority or practice existing on May 24, 1949 whereby any state officer or agency is allocating or apportioning money to local agencies. Not retroactive

SEC. 16. Part 10, comprising Sections 15750 to 15798, inclusive, is added to Division 3, Title 2 of said Code, to read:

PART 10. STATE POSTWAR CONSTRUCTION LAW OF 1946

CHAPTER 1. GENERAL

15750. This part may be cited as the State Postwar Construction Law of 1946. Short title

15751. In enacting this part the Legislature does not approve or disapprove any of the projects or buildings mentioned in the "over-all priority lists" or supplemental "balance of program" lists set forth in the Statement of Capital Expenditures Required by State Agencies Submitted by Director of Finance to the First Extraordinary Session Fifty-sixth Legislative Session, January, 1946, as printed in the Senate Journal for January 7, 1946, beginning at page 26 and in the Assembly Journal for January 7, 1946, beginning at page 36; but the Legislature commits such approvals and the establishment of priorities to the State Public Works Board. Legislative policy

The Legislature realizes that the Statement of Capital Expenditures Required by State Agencies includes proposals for the expenditure of many millions of dollars for projects not designed or calculated to ameliorate the intolerably overcrowded and distressed living conditions at our hospitals and other institutions for the care of the mentally ill and other wards of the State, and therefore directs the State Public Works Board in the exercise of its powers and duties to give prime consideration to the needs of these institutions, and promptly rectify such conditions and allow the undertaking of no other project at a time, in a manner, or under conditions that will or may impair or retard the expeditious and complete attainment of these objectives for the wards of the State.

15752. As used in this part, "board" means the State Public Works Board, and "director" means Director of Finance. Definitions

CHAPTER 2. STATE PUBLIC WORKS BOARD

15770. There is in the State Government the State Public Works Board. The board consists of the Director of Finance, the Director of Public Works, and the Real Estate Commissioner. Two Members of the Senate, appointed by the Senate State Public Works Board

Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature. The appointed Members of the Legislature constitute a legislative interim committee on the subject of this part with all the powers and duties imposed upon such committees by the Joint Rules of the Legislature.

Compensation and expenses

15771. The members of the board and of the interim committee shall receive no compensation for their services under this part, but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties prescribed by this part, to be paid out of the money made available to the director for that purpose.

Additional information

15772. In furtherance of the postwar public works program for state agencies which has been prepared to accomplish the purpose for which the Capital Outlay and Savings Fund was established, the head or governing body of each state agency shall submit to the board upon request such additional information with reference to the program and such plans, specifications, and estimates of cost as the board may require.

CHAPTER 3. POWERS AND DUTIES

Construction, improvements etc

15790. The board shall determine if construction, improvements, and the purchase of equipment shall be undertaken, and the time of undertaking, and shall give due consideration to:

(a) The immediate needs of state agencies for construction and improvements.

(b) Obtaining construction, improvements, and equipment at the most reasonable price consistent with such needs.

(c) The need of construction, improvements, and equipment at state agencies as compared to the need for private construction, improvements, and equipment.

(d) Providing public works to relieve unemployment.

Purchase of property

15791. The board may authorize the purchase of property with improvements in lieu of purchasing sites and constructing new improvements when in its opinion it is for the best interest of the State

Administration, allotments, etc

15792. The director shall administer this part and provide such assistance to the board as it requires. When the board has determined that any construction, improvements, and the purchase of equipment is to be undertaken, or that plans and specifications for such construction, improvements, and equipment shall be prepared, the director by executive order shall allot to the University of California the amount required to perform the work approved for the University of California, or to the Department of Public Works or other state agency the amounts required to perform the work approved by the board for other state agencies. The University of California or the state agency to which money has been allotted shall perform such work or cause it to be performed in the manner provided by law.

15793. So far as is reasonably practicable, the state departments and agencies concerned with the expenditure of funds appropriated and the performance of work provided for, shall cooperate with all agencies of the United States to the end that grants-in-aid may be made available to the State from such agencies. *Federal aid*

Nothing in this section may be used as the basis for invalidating, restraining, enjoining, or otherwise affecting any act performed or expenditure made pursuant to the terms of this part.

15794. Prior to the commencement of any work of construction to be paid for from appropriations to be expended pursuant to this part or the letting of any contract for such work, the board shall: *Plans, etc*

(a) Adopt a master plan for the Department of Public Works, University of California, or other state agency.

(b) Cause model plans for buildings for such institutions and agencies to be prepared and made available.

15795. Each of the state departments and agencies specified in Section 15794 shall adopt a policy for determining the allowable cost to the State of residences for superintendents and other officers and employees of state institutions, under which the residences provided to such institution officers and employees, whether or not a charge is made to the officer or employee for the use of the residence, shall not exceed in value or luxury the average private homes of persons not in public office or employment who hold positions of comparable responsibility. If charges are made for the use of the residence, the state department or agency, subject to approval of the Board of Control, shall fix charges for rental of such residences to institution officers and employees in accordance with the policy adopted. The policy as to allowable cost to the State of such residences shall be approved by the director and the board before any plan is finally adopted for the residences to be paid for from any appropriation to be expended pursuant to this part, or before any contract is let for the building construction of the residences or any construction work is commenced. *Residences of officers and employees*

15796. If the board allots a specific sum for a specific project, and any or all of the sum allotted is not expended for that project, it shall remain in the appropriation and shall continue to be available for any project authorized by the board in carrying out the provisions of this part *Distribution of excess allotments*

15797. Within 10 days after the opening of each regular session of the Legislature, the board shall report to the Governor and the Legislature: *Reports*

(a) The progress being made in carrying out any building program undertaken pursuant to this part.

(b) The amount of money allocated and obligated by contract, work order, or purchase order.

(c) The balance remaining unencumbered in such allotment and in each work order.

(d) The balance available for each state agency and for miscellaneous repairs, improvements, and equipment.

(e) The anticipated needs for expenditure during the next fiscal year.

Additional appropriation

15798. At the beginning of each regular session of the Legislature, the board shall advise the Legislature as to any additional amount which should be appropriated by the Legislature from the State Treasury to meet the cost of carrying out such program during the next fiscal year.

SEC. 17. Section 16301.5 is added to said code, to read:

Deposit in General Fund

16301.5. Any money collected or received after September 18, 1947, by the Controller as restitutions from former recipients of relief under the California Unemployment Relief Act of 1935 or any other act relating to unemployment relief shall be deposited in the General Fund.

SEC. 18. Article 6, comprising Sections 16410 to 16413, inclusive, is added to Chapter 2, Part 2, Division 4, Title 2 of said code, to read:

Article 6. Revenue Deficiency Reserve Fund

Revenue Deficiency Reserve Fund

16410. The Revenue Deficiency Reserve Fund in the Treasury is continued in existence to meet the needs of the State for General Fund revenues when revenues from taxes, fees, and other sources do not equal the estimate for revenues as set forth in the fiscal year budget. There shall be transferred into this fund such amounts as may be authorized by the Legislature.

Transfers to General Fund

16411. Whenever the Governor, Controller, and Director of Finance determine that the General Fund revenues for any fiscal year commencing on or after July 1, 1947, are below the amount estimated in the budget submitted by the Governor to the Legislature for the fiscal year, they may jointly authorize the transfer from the Revenue Deficiency Reserve Fund to the General Fund of an amount equal to the difference between the actual revenues received for the General Fund and the amount which it was estimated would be received.

Temporary loan

16412. The money in the Revenue Deficiency Reserve Fund may be loaned temporarily to the General Fund upon the joint authorization of the Governor, Controller, and Director of Finance during any fiscal year in anticipation of the receipt of revenue from taxes, fees, and other sources required to be paid into the General Fund during the fiscal year. The money loaned shall be repaid during the same fiscal year from revenue received from such taxes, fees, and other sources as such revenues are received, to the extent that such revenues are not necessary for current expenditures payable out of the General Fund. If any money temporarily loaned remains unpaid at the close of the fiscal year, it shall be deemed a transfer from the Revenue Deficiency Reserve Fund to the General Fund to the same extent as if it were transferred pursuant to Section 16411.

Investments

16413. The money in the Revenue Deficiency Reserve Fund shall be invested and reinvested by the Director of Finance

in obligations of the United States, or securities for which the full faith and credit of the United States are pledged. The securities may be sold or exchanged by the Director of Finance if in his opinion such sale or exchange is in the best interests of the State in effectuating the purposes of this article. The increment from such investments shall accrue to the General Fund.

SEC. 19. Sections 26027 and 26028 are added to said code, to read:

Effective zoning ordinance requirements

26027. Any zoning ordinance adopted after October 1, 1949, by any county, shall not be effective, nor shall any zoning ordinance previously adopted remain effective six months after the effective date of this act unless:

(a) A provision is made in the ordinance for suitable areas in which airports may be located as conforming uses, or

(b) A finding is made by the governing body of the county that there is no site in the area zoned suitable for an airport.

Notice of hearing

26028. The finding required by Section 26027 shall not be made without notice and opportunity to be heard being given to all interested persons. Notice shall be given by publication once a week for at least four weeks in a newspaper of general circulation published in the county, or, if there is none, in a newspaper of general circulation published in an adjoining county. The notice shall specify the date of hearing.

SEC. 20. Section 27336 is added to said code, to read:

Recordation forms, etc

27336. County recorders shall accept form books or blanks from any incorporated water users' association organized to secure the benefits of an act of Congress approved June 17, 1902, known as the "Reclamation Act," to be used for the purpose of recording the following:

(a) Agreements with the United States, or with such water users' association in connection with land affected by the projects provided for by the act.

(b) Subscription agreements or transfers of the capital stock of such water users' associations.

(c) Other documents required to be recorded by such associations.

Fee

A fee of twenty-five cents ($0.25) shall be charged for filing, recording, and indexing each document.

SEC. 21. Section 37360 is added to said code, to read:

Submerged, etc., lands

37360. The legislative body of any city having jurisdiction over any tide, submerged, or reclaimed lands of the city, which lands or any interest therein are sought by the United States in eminent domain proceedings, is authorized to enter into any compromise with respect to such lands which seems just and expedient to it. Nothing in this section shall be construed to relinquish any reservation to deposits of oil and gas and other hydrocarbon and mineral deposits and rights of way giving access to such deposits as prescribed in Section 6402 of the Public Resources Code that has been made by the State in granting such lands to the city.

SEC. 22. Article 3, comprising Sections 38501 to 38510, inclusive, is added to Chapter 9, Part 2, Division 3, Title 4 of said code, to read:

Article 3. Municipal Park Abandonment Law of 1939

Abandonment of parks

38501. The legislative body may abandon all or any portion of a park and sell the land comprising it pursuant to this article, if it finds that all or any portion of the purported park has not been used by the public for park purposes, that no consideration has been paid for the land except by the city, and that no public funds have been expended to improve the land as a park, in either of the following situations:

(a) When any land within the city limits has been dedicated for park purposes by the recording of a plat or map in the office of the county recorder, or otherwise

(b) When any such land has been purchased for park purposes and the legislative body finds that all or any portion of the land is not appropriate, convenient, or necessary for park purposes.

Election required

38502. If the land comprising all or any part of such park has been purchased from funds realized from the sale of bonds of a bond issue authorized for the purpose of acquiring the land for park purposes, the question of abandonment of all or a part of the park and the sale or conveyance of the land shall first be submitted to, and approved by, the voters of the city at the next municipal election or at a special election called for that purpose.

Resolution of intention

38503. Before abandoning all or a part of such park, the legislative body shall adopt a resolution of intention, describing the park or the portion of it proposed to be abandoned and fixing a time, at least 30 days after adoption of the resolution, when it will meet to take final action.

Publication

38504. The resolution shall be published in a newspaper of general circulation published in the city once a week for three successive weeks prior to the day fixed for the meeting of the legislative body, or if there is none, in any newspaper designated by the legislative body which is published in the county. Not less than four copies of the resolution shall be posted conspicuously not more than 100 feet apart along the boundaries of the park.

Hearing on objections

38505. At the time stated in the resolution, the legislative body shall meet, and hear and pass on objections to the abandonment of all or a portion of the park. If the legislative body sustains the objections, the proceedings shall terminate, and a new resolution of intention shall not be adopted for six months.

38506. If all objections are overruled, the legislative body has jurisdiction to order all or any portion of the park abandoned and the land sold.

Assistants

38507. The legislative body may employ such legal or other assistants as it deems necessary to sell the land for the best advantage of the city, and may fix and pay their compensation

38508. The legislative body may order the land sold in one block or in lots or parcels, for cash or on credit, as it deems most advantageous to the city. Credit terms shall not exceed four years, and deferred payments shall bear a rate of interest of 6 percent a year. The legislative body shall determine when, at what price, and on what terms the land or any part of it shall be sold. Sale of land

38509. When authorized by a majority vote of the legislative body, the mayor and the city clerk shall sign, acknowledge, and deliver a deed to the land or part sold in the name and under the seal of the city. The deed when signed, acknowledged, and delivered conveys title to the land described in it. Conveyance of title

38510. No abandonment or sale of a park pursuant to this article shall affect any private easement or other right in lands acquired or owned by any private person or corporation, nor shall such abandonment or sale affect any right, easement, or interest owned or under the control of any other governmental agency for public use other than park purposes. Private easements, rights, etc.

In the absence of an express or implied reservation of a right of reversion in the dedication or instrument of purchase, the park lands abandoned pursuant to this article shall not revert to private ownership.

SEC. 23. The following acts are repealed: Repeals

Year	Chapter	Page
1880	14	8
1907	407	749
1919	180	270
1929	795	1611
1935	380	1332
1939	271	1521
1939	1107	3038
1941	173	1216
1943	454	1991
1943	937	2809
1943	1056	2996
1945	524	1053
1946 (1st Ex. Sess.)	145, except Secs. 6, 7, 8, and 10	187
1947	180	741
1947	958	2228
1947	1071	2472
1947	1294	2828
1949	405	746
1949	588	1085
1949	1578	2826
1950 (3d Ex. Sess.)	40	66
1951	1314	3202

CHAPTER 171

An act to amend Sections 13140 and 13144 of the Government Code, relating to refunds.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 13140 of the Government Code is amended to read:

Definitions

13140. As used in this article:

(a) "Permit" includes application, license, certificate, or authorization.

(b) "Fee" includes any monetary exaction imposed or collected for or as a condition precedent to the issuing, making, taking or securing of any permit, filing, examination, or inspection.

(c) "Excess payment to a revolving fund" means overpayment received by a state agency in connection with a revolving fund in the State Treasury maintained by such an agency for the purpose of assisting persons under the jurisdiction or care of the agency, or providing for the welfare of such persons.

SEC. 2. Section 13144 of said code is amended to read:

Refunds

13144. Any fee subject to refund under this article, and any excess payment to a revolving fund as defined in Section 13140, may be refunded by the state agency collecting the fee or excess payment (a) before deposit in the State Treasury (b) if deposited in the State Treasury from the fund to which it was credited or from any appropriation made for such refund.

CHAPTER 172

An act to amend Section 13661 of the Government Code, relating to distribution of state publications.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 13661 of the Government Code is amended to read:

Distribution of state publications

13661. To the end that the policy specified in Section 13660 may be effectively carried out, the Department of Finance shall provide for and the State Printer shall print one hundred seventy-five (175) copies of each state publication for deposit in a "library stock room" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, journals, and histories, only fifty (50) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print fifty (50) copies for such distribution. An

additional two (2) copies of each state publication shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed.

CHAPTER 173

An act to amend Chapter 145 of the Statutes of the 1946 (First Extraordinary) Session, relating to a program of construction, improvement and equipment for state agencies, by repealing Section 8 thereof which authorizes the expenditure of certain funds for administration of the act, and to provide for the disposition of the unexpended portion of such funds

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8 of Chapter 145 of the Statutes of the 1946 (First Extraordinary) Session is hereby repealed. The unexpended balance of the money heretofore allotted pursuant to said section for the administration of said chapter shall be transferred to and reverted to the unappropriated balance of the Capital Outlay and Savings Fund in the State Treasury.

Repeal

Unexpended balance of allotment

CHAPTER 174

An act to amend Section 18859 of the Government Code, relating to compensation of civil service employees.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 18859 of the Government Code is amended to read:

18859. The board may authorize payment at any step above the minimum salary limit in order to meet recruiting problems, or to give credit for prior state service in connection with appointments, promotions, reinstatements, transfers, reallocations, or demotions. Other salary adjustments within the salary range for the class may be made upon the application of the appointing power and with the approval of the Director of Finance. Adjustments within the salary range authorized by this section may be either permanent or temporary and may be made retroactive to the date of application for such change.

Salary adjustments

CHAPTER 175

An act to amend Section 16301 of the Government Code, relating to disposition of moneys received by state agencies.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 16301 of the Government Code is amended to read:

Monthly accounting

16301. Except as otherwise provided by law, all money belonging to the State received from any source whatever by any state agency shall be accounted for to the Controller at the close of each month, or more frequently if required by the Controller or the Department of Finance, in such form as he prescribes, and on the order of the Controller be paid into the Treasury and credited to the General Fund, provided that amounts received as partial or full reimbursement for services furnished shall be credited to the applicable appropriation.

CHAPTER 176

An act to add Section 190 to the Military and Veterans Code, relating to armories, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Section 190 is added to the Military and Veterans Code, to read:

Joint construction

190. Federal funds shall be deemed to be available for federal-state joint construction of armories approved for such joint construction, when the federal appropriation of the funds has been approved and the National Guard Bureau or other appropriate federal agency advises the Adjutant General of the amount of funds apportioned or prorated to the State of California for such purpose.

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 proper functioning of the California National Guard is an important and integral part of the defense preparations of the State. The international situation requires the immediate training of the state military forces and for this purpose many new armories are urgently needed. In order to make federal and state funds available for the construction of such armories at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 177

An act to amend Section 258.5 of the Health and Safety Code, relating to physically handicapped children.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 258.5 of the Health and Safety Code is amended to read:

Nonresident physically handicapped children

258.5. Upon the request of another state or of a federal agency, it may pay the expenses of services required by any physically handicapped child, who is not a resident of this State; provided, that the cost of such services is fully covered by special grants or allotments received from such state or federal agency for that purpose.

CHAPTER 178

An act to codify Chapter 76 of the Statutes of 1933 by repealing said chapter and adding Chapter 1.5 to Part 3 of Division 4 of the Fish and Game Code, relating to the importation and transportation of wild birds and animals.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 1.5 is added to Part 3 of Division 4 of the Fish and Game Code, to read:

CHAPTER 1.5. IMPORTATION AND TRANSPORTATION OF WILD BIRDS AND ANIMALS

Article 1. General Provisions

"Wild bird or animal"

1165. As used in this chapter, "wild bird or animal" means any bird of the class Aves or animal of the class Mammalia or of the phylum Mollusca or of the class Crustacea which is either not normally domesticated, or not normally native within this State.

"Enforcing officers"

1165.1. As used in this chapter, "enforcing officers" means the enforcement personnel of the department, the state plant quarantine officers, and the county agricultural commissioners.

Unlawful importation etc., of wild bird or animal

1165.2. It is unlawful to import or transport alive into this State, except as provided in this chapter, any wild bird or animal of the following species or groups:

Yellowhammer, Emberiza citrinella; hooded crow, Corvus cornix; carrion crow, Corvus corone; rook, Corvus frugilegus; European starling, Sturnus vulgaris; crested starling, Aethiopsar cristatellus; common mynah, Acridotheres tristis; skylark, Alauda arvensis; European blackbird, Turdus merula;

missel thrush, Turdus viscivorus; baya, Ploceus baya; Madagascar weaver, Foudia madagascariensis; opossums of the family Didelphidae; European rabbit, Lepus cuniculus; European hare, Lepus europaeus, and all other species of the family Leporidae except domesticated races of rabbits; bank vole, Clethrionomys glareolus; field voles, Microtus hirtus and Microtus agrestis; water rat, Arvicola amphibus; long-tailed field mouse, Apodemus sylvaticus; and all other species of the following rodent families, Muridae (mice and rats), Cricetidae (hamsters and old world field mice), Sciuridae (ground squirrels, prairie dogs, woodchucks, etc.), and Geomyidae (pocket gophers); weasel, Mustela Nivalis; stoat, Mustela erminea; ferret, Mustela furio; mongoose, Herpestes mungo, and all other species of the genus Herpestes; European mole, Talpa europaea, and all other Talpidae; flying foxes or fruit bats of the family Pteropodidae; bats of the family Desmodontidae; crayfishes of the genera Cambarus and Astacus; slugs and land snails of the molluscan class Gastropoda; and such other species of wild bird or animal which may be subsequently designated by the commission when such species are proved undesirable and a menace to the native wild life or to the agricultural interests of this State.

List of prohibited wild birds, etc

1165.3. The commission shall publish at least annually a list of the wild birds or wild animals which may not be imported or transported into this State.

Confinement of same

1165.4. The commission may promulgate rules and regulations governing the keeping in confinement of any and all wild birds or animals which are being or which have been imported into this State pursuant to the provisions of this chapter, which rules and regulations shall be designed to prevent damage to the native wild life or agricultural interests of this State resulting from the existence at large of any such wild bird or animal.

Rules and regulations for enforcing officers

1165.5. The commission shall promulgate rules and regulations in cooperation with the State Department of Agriculture for the guidance of the enforcing officers. Such rules and regulations shall include a list of the wild birds and animals for which permits will be refused.

Explanatory, etc., material

1165.6. The department shall furnish descriptions and other explanatory and illustrative material concerning the wild birds and animals which have been designated as undesirable and a menace to the native wild life or to the agricultural interests of this State for the information and guidance of the enforcing officers.

Article 2. Permits

Permit

1166. The department may issue a written permit to import into or transport within this State any wild bird or animal enumerated in or designated pursuant to Section 1165.2, upon determination that said wild bird or animal is not detrimental to agriculture, or to native wild life, or to the public health or safety.

Applications

1166.1. A permit shall be issued only upon written application from the person desiring to import or transport said species, specifying all of the following:

(a) The approximate number and true scientific name of each species of wild bird or animal for which permit is requested.

(b) The carrier and probable point of first arrival in this State of each shipment of such species.

(c) The purpose for which such species of birds or animals are to be imported or transported.

(d) The name and address of the consignee.

Contents of permit

1166.2. Each permit issued shall set forth all of the following:

(a) The number and true scientific name of the species of wild bird or animal for which the permit is granted.

(b) A statement of the manner and conditions under which the entry of such species is permitted.

(c) A statement of the conditions under which said species must be kept after importation or during transportation.

Copies

1166.3. Whenever any permit is issued under the provisions of this article, one copy shall be sent by the department to the county agricultural commissioner or to the state plant quarantine officer having jurisdiction at the place designated in the application as the probable point of first arrival in the State of such species, and one copy shall accompany each shipment of such wild birds or animals.

Article 3. Regulation and Enforcement

Violation of permit

1167. All wild birds or animals brought alive into this State shall be held in confinement and reported for inspection to the nearest enforcing officer and if, upon inspection, there is found any species of wild bird or animal enumerated in or designated pursuant to Section 1165.2, and not specified in the permit, or more than the approximate number of any species than is specified in the permit, all such species or excess number not specified for in the permit or not accompanied by permit, shall be refused admittance, and shall be either returned to the point of origin or destroyed, at the option of the owner or bailee thereof, and any such return or destruction shall be at the expense of the owner or bailee.

Examinations of confinement

1167.1. Whenever any wild bird or animal is brought into this State under permit, as provided in this chapter, the enforcing officers shall, from time to time examine the conditions under which such species is kept, and report to the department any violations of the conditions of the permit or of the rules and regulations promulgated under the provisions of this chapter.

Return or destruction

1167.2. All birds or animals brought alive into this State in violation of the provisions of this chapter shall upon notice from the enforcing officer inspecting them or discovering the violation be either returned to the point of origin or destroyed at the option of the owner or bailee thereof, and any such return or destruction shall be at the expense of the owner or bailee.

Destruction by enforcing officers

1167.3. Any wild bird or animal prohibited entry into this State under the provisions of this chapter or any rules or regulations thereunder, or for which permits are refused, shall be subject to destruction by any enforcing officer when found in the

possession of any person unless such person has a permit from the department permitting the keeping of such wild bird or animal in confinement in accordance with the rules and regulations of the commission.

Liberation, shipment, etc. unlawful

1167.4. It is unlawful for any person who keeps in confinement, with or without permit, any wild bird or animal of a species enumerated in or designated pursuant to Section 1165.2 to liberate, ship, or transport such bird or animal except in accordance with the conditions of a permit first obtained from the department.

Summary destruction

1167.5. Whenever any wild bird or animal, the name of which has been published in accordance with Sections 1165 3 or 1165.5, is found at large or not kept in confinement in accordance with the rules and regulations of the commission, it shall be summarily destroyed by an enforcing officer.

Article 4. Penalties

Penalty

1168. Any person who violates any provisions of this chapter is guilty of a misdemeanor.

Repeal

SEC. 2. Chapter 76 of the Statutes of 1933 is repealed.

CHAPTER 179

An act to codify Chapters 357 and 363 of the Statutes of 1951 by repealing said chapters and adding Articles 4 and 5 to Chapter 1 of Part 1 of Division 4 of the Fish and Game Code, relating to reciprocal hunting and fishing licenses and privileges.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

SECTION 1. Article 4 is added to Chapter 1 of Part 1 of Division 4 of the Fish and Game Code, to read:

Article 4. California-Arizona Compact

California-Arizona Compact

445. The commission is hereby authorized to negotiate the terms of a compact between the States of Arizona and California with any appropriate officials of the State of Arizona in relation to reciprocal privileges and licenses for hunting and fishing by residents of one of said states within the territorial jurisdiction of the other. The negotiations shall include, but shall not be limited to, provisions relating to sporting fishing and the hunting of migratory waterfowl in, on, or along the Colorado River. It is the primary purpose of this section to provide a method whereby the hunting and fishing opportunities afforded by the Colorado River may be mutually enjoyed by the residents of the States of Arizona and California despite the

difficulties and inconveniences that result from the fact that the boundary line between the States of Arizona and California is the middle of the channel of the Colorado River.

SEC. 2. Article 5 is added to Chapter 1 of Part 1 of Division 4 of said code, to read:

Article 5. Reciprocal Agreements With Adjoining States

446. The commission, subject to the approval of the Attorney General, is hereby authorized to enter into reciprocal agreements with corresponding state or county official agencies of adjoining states pertaining to the establishment of a basis whereby valid sporting fishing licenses issued by the parties to such reciprocal agreements may be used by their licensees within the jurisdiction of either, in accordance with the terms of such agreements. Reciprocal agreements

This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the means whereby its purpose is to be accomplished.

SEC. 3. Chapters 357 and 363 of the Statutes of 1951 are repealed. Repeal

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CHAPTER 180

An act to codify Chapter 18 of the Statutes of the Second Extraordinary Session of 1944, relating to the selection and acquisition by the State of real property for use in furtherance of the postwar construction program, by adding Part 11, comprising Sections 15850 to 15866, inclusive, to Division 3, Title 2 of the Government Code, and repealing Chapter 18 of the Statutes of the Second Extraordinary Session of 1944, and making an appropriation.

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.] In effect September 9, 1953

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

SECTION 1. Part 11, comprising Sections 15850 to 15866, inclusive, is added to Division 3, Title 2 of said code, to read:

PART 11. PROPERTY ACQUISITION LAW

15850. This part may be cited as the Property Acquisition Law. Short title

15851. As used in this part, "board" means the State Public Works Board. "Board"

15852. The State Public Works Board has all the duties, powers, purposes, responsibilities, and jurisdiction of the Property Acquisition Board and whenever by law a duty or jurisdiction is imposed or authority conferred upon the Property Acquisition Board or upon any of its officers or employees such duty, jurisdiction, and authority are vested in the State Public State Public Works Board

Works Board with the same force and effect as if the title of the State Public Works Board had been specifically set forth therein.

Acquisition of real property

15853. The board shall select and acquire, in the name and on behalf of the State, suitable and adequate real property for use in furtherance of the postwar construction program, provided for in Chapter 572, Statutes of 1943, as sites for the construction of buildings or for such other purposes as may be specified in the legislation making funds available for such acquisition.

The board may acquire any interest in real property pursuant to this part which it deems advisable.

Condemnation

15854. Property shall be acquired pursuant to this part by condemnation in the manner provided in Title 7 of Part 3 of the Code of Civil Procedure, and all money paid from any appropriation made pursuant to this part shall be expended only in accordance with a judgment in condemnation. This requirement shall not apply to any of the following:

Exemptions

(a) Any acquisitions from the Federal Government or its agencies.

(b) Any acquisition from the University of California or other state agencies.

(c) The acquisitions of parcels of property, or lesser estates or interests therein, for less than five thousand dollars ($5,000), unless part of an area made up of more than one parcel which in total would cost more than five thousand dollars ($5,000) which the board by resolution exempts from this requirement.

Resolution declaring necessity etc

15855. Before commencing condemnation proceedings the board shall adopt a resolution declaring that public interest and necessity requires the acquisition, construction, or completion by the State of the improvements for which the real property or interest therein is required and that the real property or interest therein described in the resolution is necessary for the improvement.

The resolution of the board shall be conclusive evidence:

(a) Of the public necessity of the proposed public improvement.

(b) That the real property or interest therein is necessary for the improvement.

(c) That the improvement is planned or located in a manner which will be compatible with the greatest public good and the least private injury.

Public use

15856. In any condemnation proceeding brought for the acquisition of real property pursuant to this part, the use for which the property is condemned shall be deemed a public use more necessary than any other public use to which the property is devoted at the time the action is commenced.

Compensation agreement

15857. With the approval of the State Board of Control, the board may agree with the owner of part or all of the property to be condemned as to the compensation to be paid, and may incorporate such agreement in a stipulation to be filed in the condemnation proceeding.

15858. Whenever property which is devoted to or held for some other public use for which the power of eminent domain may be exercised is taken for state purposes pursuant to this part, with the consent of the person or agency in charge of such other public use, the board may condemn other real property and exchange it with such other person or agency for the real property to be taken for state purposes. Transfer of the property so acquired shall be made in accordance with the stipulation entered into pursuant to Section 15857.

Exchange of condemned property for property held for public use

15859. With the approval of the State Board of Control the board may abandon any condemnation proceeding, and when directed to do so by the State Board of Control shall immediately abandon any such proceeding. Nothing in this part extends the time specified in Section 1255a of the Code of Civil Procedure for the abandonment of condemnation proceedings.

Abandonment of proceeding

15860. Any appropriation for the acquisition of real property pursuant to this part may be expended for the payment of all costs and expenses, including the cost of investigation and surveys, the fees and expenses of appraisers and expert witnesses, and the cost of title searches necessarily incurred in the examination, and the determination of the suitability of any real property to be acquired or under consideration for acquisition, or necessarily incurred in the course of acquisition of any such real property. Claims for such costs and expenses shall be presented by the Director of Finance and shall be paid by the Controller.

Appropriation use

15861. Whenever it appears to the satisfaction of the board that any part of the campus of a state college acquired as a site for student housing will, if used for such purpose, interfere with the proper and orderly development of the campus, the board may authorize the use of such site for any other purpose of the state college upon the Department of Education designating some other part of the campus as a site for the student housing affected.

State colleges

15862. When real property is acquired by the State pursuant to this part, and until such time as its use is needed in furtherance of the postwar construction program, the jurisdiction over such property is in the Department of Finance. The department may lease all or any portion of the property which is not presently needed on such terms and conditions as the director may fix and may maintain, improve, and care for such property in order to secure rent therefrom. The department may remove or demolish buildings or other structures on the property when it is desirable to do so. It may sell or dispose of the improvements or any materials available upon the demolishing of any building or structure on the property.

Jurisdiction over property

15863. The proceeds of such sale shall be deposited in the General Fund. Rentals received by the department, pursuant to Section 15862 shall be deposited in the General Fund and are appropriated to the Department of Finance to maintain, improve, and care for real property acquired pursuant to this part pending the use of such property to further the postwar

Disposition of proceeds of sale, etc

construction program. Any unneeded balance in the appropriation shall be transferred by the Controller on order of the Director of Finance to the General Fund.

Claims

15864. On behalf of the board, the Director of Finance shall file against any appropriation made for expenditure under this part all claims covering expenditures incurred in acquiring real property pursuant to the act by which the appropriation is made, and the Controller shall draw his warrant therefor.

Transfer of unneeded funds

15865. Whenever the board finds that any portion of the funds in any appropriation for the acquisition of real property under this part is unneeded for the acquisition of the site for which such appropriation was made the State Board of Control may, upon the recommendation of the board, authorize the transfer of such unneeded funds to any other appropriation for the acquisition of real property made for expenditure under this part and in augmentation of such other appropriation, except that no part of any appropriation made for expenditure pursuant to this part for the acquisition of a site for the use of an institution, college, school, or other agency within a state department, shall be transferred to an appropriation for the acquisition of a site for the use of an institution, college, school, or other agency within another state department. For the purposes of this section appropriations for sites for state office buildings, state garages, state warehouses, and official residences are for the use of the Department of Finance.

Revolving fund

15866. Without at the time furnishing vouchers and itemized statements, the board may withdraw from any appropriation made for expenditure under this part such sum as may be approved by the Board of Control for use as a revolving fund where payment of compensation or cash advances are necessary.

Repeal

SEC. 2. Chapter 18 of the Statutes of the Second Extraordinary Session of 1944 is repealed.

CHAPTER 181

An act to repeal Section 1944.1 of the Labor Code, relating to the employment of certain aliens.

In effect September 9, 1953

[Approved by Governor April 10, 1953. Filed with Secretary of State April 13, 1953.]

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

Repeal

SECTION 1. Section 1944.1 of the Labor Code is repealed.

CHAPTER 182

An act to amend Section 2073 of, and to add Section 2074.6 to, the Insurance Code, relating to the standard form fire insurance policy.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2073 of the Insurance Code is amended to read:

2073. The policy shall be plainly printed. The type shall not be smaller than eight-point and in a style not less legible than Century and subheads shall be in type larger than eight-point and in a style not less legible than Century. The lines of the policy following the countersignature clause shall be numbered consecutively.

Printing of policy

SEC. 2. Section 2074.6 is added to the Insurance Code, to read:

2074.6 In lieu of showing the attestation clause and official signatures in the form as set forth in Section 2071, the standard form policy may show, immediately following the policy provisions, the following:

Attestation clause, etc.

"In witness whereof, this company has executed and attested these presents; but this policy shall not be valid unless countersigned by the duly authorized agent of this company at the agency hereinbefore mentioned.

Secretary President"

CHAPTER 183

An act to amend Section 16475 of the Government Code, relating to interest earned on the Capital Surplus Money Investment Fund.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16475 of the Government Code is amended to read:

16475. Interest earned and other increment derived from investments made pursuant to this article shall, on order of the State Controller, be deposited in the Surplus Money Investment Fund. The State Controller shall apportion as of December 31st and June 30th of each year to the following funds in the State Treasury all interest earned or increment derived from the investments authorized by this article and deposited in the Surplus Money Investment Fund during the six calendar months ending with such dates:

Deposit of interest and increment

Apportionments

(a) The General Fund;

(b) Each fund into which are deposited or which contains moneys collected from any tax now or hereafter imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, for use in motor vehicles upon the public streets and highways;

(c) Each fund into which are deposited or which contains moneys collected from motor vehicle and other vehicle registration license fees or from any other tax or license fee now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, except those taxes and license fees which, by the provisions of Section 4 of Article XXVI of the Constitution of this State are exempted from the provisions of Section 2 of said Article XXVI;

(d) Each fund into which are deposited or which contains moneys collected under the provisions of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans, and fines imposed by any court for the violation of any such law.

(e) Every other fund in respect to which the Board of Control determines that interest received under this article and allocated on the basis of amounts in such fund would become available for use for a purpose for which the fund is established, provided that this shall not apply to funds composed primarily of moneys derived from the General Fund.

Such apportionments shall be made by the State Controller in the following manner:

(1) All money not apportioned to the funds referred to in (b), (c), (d), and (e) herein shall be apportioned to the General Fund.

(2) There shall be apportioned to each of the funds referred to in (b), (c), (d), and (e) herein an amount directly proportionate to the respective amounts transferred from such funds to the Surplus Money Investment Fund and the length of time such amounts remained therein.

Upon order of the State Controller, the State Treasurer shall transfer to each fund the amount apportioned thereto.

The amounts transferred to special funds under this article shall be in lieu of any credit for interest earned under paragraph (b) of Section 11272 of this code.

CHAPTER 184

An act to amend Sections 502, 502.1, 502.2, 503, 504, 506, 509, 512, 513, 515 and 520.1 of the Military and Veterans Code, relating to the California Cadet Corps.

In effect September 9, 1953

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

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

SECTION 1. Section 502 of the Military and Veterans Code is amended to read:

502. Upon recommendation of the school board having jurisdiction over the school and with the approval of the Adjutant General the Governor may appoint officers in the California Cadet Corps for duty in each college, junior college or high school having one or more cadet companies. Except while on duty under orders of the Adjutant General such officers shall be under the immediate control and jurisdiction of the governing body of the college, junior college or high school at which they are on duty. Each such officer shall hold his appointment at the pleasure of the Governor, or until his successor has been appointed and qualified or his connection with the cadets is severed. Said officers may be ordered by the Adjutant General to duty at encampments or exercises held or conducted by the California Cadet Corps and while on such duty said officers shall receive the same base pay without longevity as officers of similar grade in the United States Army and shall receive their expenses while on such duty. Such pay and expenses shall be taken from the moneys appropriated for the maintenance of the California Cadet Corps.

Appointment of officers

SEC. 2. Section 502.1 of said code is amended to read:

502.1. The Adjutant General shall determine by the adoption of rules and regulations the grade and rank to be held by officers appointed in the California Cadet Corps by reason of their military experience and professional knowledge. Said officers shall be commissioned in the manner that shall be determined by rules and regulations adopted by the Adjutant General.

Grade and rank

A person who has previously been a commissioned officer of, and discharged under honorable conditions from, the United States Army, the Army of the United States, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, or any reserve component of such federal forces, the National Guard, the California National Guard Reserve, or the State Guard or the active militia may be appointed in the California Cadet Corps and commissioned in the same rank last held in such federal or state military forces Each officer commissioned shall hold office as provided by rules and regulations adopted by the Adjutant General. Upon recommendation of the Adjutant General, the Governor may commission one executive officer of the California Cadet Corps as colonel in the National Guard, one assistant executive officer of the California Cadet Corps as lieutenant colonel in the National Guard, and the necessary number of regional supervisors of cadet instruction in the same grade and rank as said officers last held in said federal or state military forces, or in a grade or rank in the National Guard not to exceed lieutenant colonel, as may be determined by rules and regulations adopted by the Adjutant General. Pay and expenses shall be taken from the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 3. Section 502.2 of said code is amended to read:

Uniforms

502.2. The executive officer commissioned as a colonel in the National Guard, the assistant executive officer commissioned as a lieutenant colonel in the National Guard, the regional supervisors of cadet instruction commissioned as provided in Section 502.1 of this code and the officers appointed in the California Cadet Corps commissioned according to rules and regulations adopted by the Adjutant General shall wear such uniform as may be prescribed by the Adjutant General, including cap and collar ornaments and other distinctive marks of identification of the California Cadet Corps as may not be inconsistent with rules and regulations of the United States Army.

SEC. 4. Section 503 of said code is amended to read:

Cadet companies

503. Cadet companies shall be organized and each shall have such commissioned cadet officers and noncommissioned cadet officers as shall be prescribed from time to time by the Adjutant General, and as shall conform generally to the number of commissioned and noncommissioned officers of companies of the California National Guard. Said commissioned cadet officers shall be commissioned in accordance with rules and regulations adopted by the Adjutant General and upon recommendation of the commandant of cadets and with the approval of the president, director or chief administrative officer or principal. The noncommissioned cadet officers shall be appointed and warranted by the commandant of cadets with the approval of the president, director or chief administrative officer or principal.

SEC. 5. Section 504 of said code is amended to read:

Cadet battalions

504. The Adjutant General shall provide by the adoption of rules and regulations for the formation of cadet battalions and shall adopt tables of organization and provide for the appointment of cadet battalion officers and staffs. All cadet battalion officers and noncommissioned officers shall be appointed, commissioned or warranted in accordance with rules and regulations adopted by the Adjutant General and upon the recommendation of the commandant of cadets with the approval of the president, director or other chief administrative officer or principal of the college, junior college or school.

SEC. 6. Section 506 of said code is amended to read:

Promotions

506. All cadet officers and noncommissioned officers shall be promoted according to rules and regulations adopted by the Adjutant General upon the recommendation of the commandant of cadets and with the approval of the president, chief administrative officer, director or principal of the college, junior college or high school.

SEC. 7. Section 509 of said code is amended to read:

Training

509. The Adjutant General shall provide and may prepare suitable training regulations, books and courses of instruction, and the necessary forms for reports or other necessary purposes to be used by the California Cadet Corps. The Adjutant General may take such action as is necessary to promote the general welfare, strength and morale of the California Cadet Corps and to provide for the recreation of cadets.

SEC. 8. Section 512 of said code is amended to read:

512. Target practice shall constitute a part of the instruction to be given to cadets. Members of the California Cadet Corps may engage in rifle matches and competitions conducted or held in this State or at any place in the United States. The Adjutant General may purchase and supply to each of the colleges, junior colleges and high schools a sufficient number of Springfield or other efficient rifles for field target work and gallery practice and the ammunition and equipment therefor, as in his judgment is necessary for efficient rifle practice. All target practice shall be under the supervision of the president, chief administrative officer, director or principal of the college, junior college or high school or such officer or officers as he or they may appoint. Competent members of the National Guard, State Guard, California Defense and Security Corps, California National Guard Reserve or Naval Militia may be detailed by the Adjutant General, with their consent, and upon request of the president, chief administrative officer, director or principal of the college, junior college or high school, as instructors of target practice in the California Cadet Corps. Such instructors while on duty at said college, junior college or high school during target practice shall be under the immediate control and jurisdiction of the governing body of said college, junior college or high school. The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California Cadet Corps. Target practice, etc

SEC. 9. Section 513 of said code is amended to read:

513. The Adjutant General may detail from the organizations of the National Guard, State Guard, California National Guard Reserve or Naval Militia competent members thereof who shall perform such duties on behalf of the California Cadet Corps as may be assigned to them or who shall act as training and rifle practice instructors for the California Cadet Corps The Adjutant General may provide for compensating the persons detailed by him for duty and service with the California Cadet Corps and the persons detailed to instruct the cadets in drill and target practice. The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California Cadet Corps. The Adjutant General may conduct schools and conferences for the officers of the California Cadet Corps and pay the expenditures thereof out of moneys appropriated for the maintenance of the California Cadet Corps. The Adjutant General may adopt rules and regulations providing for the promotion of officers of the California Cadet Corps. Instructors

SEC 10. Section 515 of said code is amended to read:

515. Units of the California Cadet Corps shall be inspected at least once each year by the executive officer, the assistant executive officer, the regional supervisors of cadet instruction, or any of them, or by officers of the National Guard, State Guard, California National Guard Reserve or Naval Militia detailed by the Adjutant General for that purpose. Such in- Inspection, report, etc

spectors shall report to the Adjutant General the result of inspections relating to the training, target practice, attendance, discipline, military knowledge and instruction, leadership and condition of property of the California Cadet Corps. Such report shall contain an inventory of the state property on hand in the cadet units at the time of inspections. Such reports shall be made and forwarded in duplicate, one copy to the State Superintendent of Public Instruction and one copy to the Adjutant General's office, and shall bear the endorsement of the president, director or other chief administrative officer of the college or junior college or of the principal of the high school, containing remarks the said officials may deem pertinent.

SEC. 11. Section 520.1 of said code is amended to read:

Private schools, etc

520.1. The principal and governing board of any private educational institution or military academy in which there is not maintained an R. O. T. C. unit of high school or junior college or college grade otherwise meeting the qualifications prescribed by this chapter and such rules and regulations not inconsistent therewith that may be adopted by the Adjutant General may apply to the Adjutant General for permission to establish a cadet company or cadet companies, battalions or regiments of the California Cadet Corps pursuant to this chapter. If the Adjutant General approves the petition, the principal and governing board of the private school shall have the same authority as similar officials of public high schools, junior colleges or colleges to create units of and to become a member of the California Cadet Corps, and the cadet company or companies or other cadet units shall in all respects be governed by the provisions of this chapter to the same extent as though it were a public high school, junior college or college.

CHAPTER 185

An act to amend Section 2780.1 of the Penal Code, relating to the prison work camps.

In effect September 9, 1953

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

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

SECTION 1. Section 2780.1 of the Penal Code is amended to read:

Money received from prison camp work program

2780.1. Money received from the rendering of services under the prison camp work program shall be paid to the State Treasurer monthly and shall be credited to the support appropriation of the prison rendering such services, in augmentation thereof. The appropriation to be credited shall be the appropriation current at the time of rendering the services. Nothing in this section shall apply to prison road camps established under Article 4 of this chapter, except that, by mutual agreement between the Department of Public Works and the Department of Correc-

tions, subject to the approval of the Department of Finance, such prison road camps may be administered, instead, under the provisions of Article 5 of this chapter.

CHAPTER 186

An act to amend Section 16304 of the Government Code, relating to the reversion of appropriations.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16304 of the Government Code is amended to read:

16304. An appropriation shall be available for expenditure during the period specified therein, or, if not otherwise limited by law, for three years after the date upon which it first became available for expenditure. An appropriation containing the term "without regard to fiscal years" shall be available for expenditure from year to year until expended.

Expenditure of appropriation

Unless otherwise specifically provided, an appropriation shall be deemed to be expended at the time and to the extent that it has been encumbered by the creation of a valid obligation on the part of the State of California.

This section does not affect or apply to:

Exemptions

(a) Payment of interest and redemption charges on any portion of the bonded debt of the State.

(b) Transfers of money from any fund for the benefit of elementary schools, high schools, junior colleges, the University of California, or any interest and sinking fund in the State Treasury.

(c) Regular periodic expenditures of fixed sums for any public purpose.

(d) Appropriations made for cooperative work under specific agreement or under contract.

(e) Money transferred to revolving funds specifically created by law, including, but not limited to, the Division of Architecture Revolving Fund and the Water Resources Fund.

(f) Appropriations available for the acquisition of real property to the extent that such appropriations have been encumbered, with the approval of the Director of Finance, by the filing of condemnation proceedings on behalf of the State of California prior to the expiration of the period of availability of the appropriation.

(g) Money transferred to and expendable from funds other than the fund in which originally deposited, pursuant to the provisions of law earmarking or appropriating for expenditure certain classes of revenue or other receipts.

(h) Continuing provisions of law appropriating for specific purposes certain classes of revenue or other receipts, upon their deposit in a particular fund in the State Treasury or upon their collection by an agency of this State.

CHAPTER 187

An act to amend Sections 5, 12, 27 and 72 of, and to add Sections 27.5 and 27.6 to, the Drainage District Act of 1903, relating to the organization and government of drainage districts, validating districts organized pursuant to said act, and declaring the urgency thereof, to take effect immediately

In effect immediately

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

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

SECTION 1. Section 5 of the Drainage District Act of 1903 is amended to read:

Division of drainage district

Sec. 5. When, under the provisions of the preceding sections, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into three or five divisions, as nearly equal in size as practicable, which divisions shall be numbered consecutively and one director, who shall be an elector and freeholder of the division, shall be elected, as hereinafter provided, by each division; provided, that, when requested in the petition, three directors, who shall be electors and freeholders of the district, shall be elected at large by the qualified electors of the district in addition to those elected by divisions as above provided

As an alternative, the board, when requested in the petition, shall (a) divide the district into three divisions as provided in this section and provide that two directors shall be elected from each division, or (b) divide the district into five divisions and provide that one director shall be elected from each division and one from the district at large.

SEC. 2. Section 12 of said act is amended to read:

Classification of directors, terms, etc

Sec. 12. The directors of any district hereafter created under the provisions of this act who shall have been elected at the election on organization of the district, shall, on the first Tuesday after they shall have been declared elected and shall have qualified, meet and classify themselves by lot into two classes as nearly equal in number as possible, and the term of office of the class having the less number shall expire on the first Tuesday in March of the next odd-numbered year after the year in which said meeting is held, and the term of office of the class having the greater number shall expire on the first Tuesday in March of the second odd-numbered year after the year in which said meeting is held In districts having an even number of directors it shall be determined by lot which class shall hold office until the first Tuesday in March of the next odd-numbered year and which shall hold office until said date in the second odd-numbered year. After such classification, said directors shall organize as a board by electing a president from their number and by appointing a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

SEC. 3. Section 27 of said act is amended to read:

Sec. 27. For the purpose of constructing necessary conduits, drains, sluices, water-gates, embankments and all works necessary for the purpose of drainage, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures as herein authorized therefrom, and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board shall immediately call a special election, at which shall be submitted to the electors of such district the question whether or not the proposed work shall be undertaken and whether bonds of said district shall be issued in the amount so determined, or the works financed by annual assessments. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least 20 days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks Such notices must specify the time of holding the election, the nature of the work proposed, the amount of bonds proposed to be issued or the total amount of assessments to be levied each year and the number of years in which such assessments shall be levied; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted At such election the ballots shall contain the words "Shall the proposed project of the _____ Drainage District to (brief description of work proposed) be undertaken?" "_____ Yes-No," or words equivalent thereto. Following this question shall be printed the statement "Vote for One," succeeded by "The project shall be financed by bonds," and "The project shall be financed by annual assessments on lands in the district," or words equivalent thereto.

Election on proposed work, bonds, etc

Notice of election

Ballots

SEC. 4 Section 27.5 is added to said act, to read:

Sec. 27.5. If a majority of those voting on the question of the undertaking of the proposed project vote yes, the project shall be commenced If a majority of those voting on said question vote no, the result shall be so declared and entered of record, and the project shall not be commenced.

Results

If the project is approved and a majority of those voting on the question of method of financing the project vote for the issuance of bonds, the board of directors shall cause bonds in the amount specified in the election notice to be issued. If a majority

Bond issue

Assessments

of those voting on said question vote for the levy of assessments, the board shall proceed to provide for annual assessments in the total amount specified in the election notice, to be levied and collected as provided in Sections 40 to 45, inclusive, and no bonds shall be issued. The board shall provide for the construction of works in units from money derived from yearly assessments. Neither the total amount of assessments to be levied each year nor the number of years it is to be levied, as stated in the notice of election, shall be increased without approval of the electors of the district at an election in the same manner as provided in Section 31 for the levy of assessments after bonds have been issued.

SEC. 5. Section 27.6 is added to said act, to read:

Resubmission upon petition

Sec. 27.6. If a proposed project of the district is disapproved by the electors, the board shall resubmit the question of its construction to the electors if and when a petition so requesting is received by the board signed by 50 or a majority of the holders of title, or evidence of title, to agricultural lands other than swamp and overflowed lands, which are susceptible of one general mode of drainage by the same system of works.

SEC. 6. Section 72 of said act is amended to read:

Precincts

Sec. 72. At least 30 days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions in the same manner as provided in Section 5 for the original division, and shall establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary. The number of directors shall be as the board determines, pursuant to Section 5.

Districts declared legally organized

SEC. 7. All drainage districts which have been organized under or under color of the Drainage District Act of 1903, including any such districts having a board of directors consisting of six members, are hereby declared to have been legally organized and to be legally functioning as such districts. Such districts shall have all the rights, powers and privileges and be subject to all the duties and obligations of districts regularly formed pursuant to the Drainage District Act of 1903.

Urgency

SEC. 8. 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 threat of floods in the spring of the year makes it necessary that these amendments to the Drainage District Act of 1903 become effective as soon as possible in order to facilitate the necessary construction of works and completion of drainage projects by existing and proposed drainage districts.

CHAPTER 188

An act to codify the Agricultural Producers Marketing Act by adding Chapter 11 to Division 6 of the Agricultural Code and repealing Chapter 754 of the Statutes of 1933, relating to the marketing of agricultural products.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 11 is added to Division 6 of the Agricultural Code, to read:

CHAPTER 11. THE AGRICULTURAL PRODUCERS MARKETING LAW

Article 1. Short Title

Short title

2000. This chapter shall be known and may be cited as the Agricultural Producers Marketing Law.

Article 2. Legislative Declarations

Unfair tax burden

2020. The Legislature declares that: The disorderly marketing of agricultural commodities in this State; the improper preparation for market; the lack of uniform grade specifications or uniform inspection of agricultural commodities; the marketing of agricultural commodities in excess of reasonable or normal market demands therefor; or the inability of individual producers to expand existing markets or to develop new or larger markets for California grown agricultural commodities tends to prevent agricultural producers from maintaining a proper standard of living or from contributing their fair share to the support of necessary governmental and educational functions and thereby tends to increase unfairly the tax burden of other citizens of this State.

Legislative purpose

2021. The conditions set forth in Section 2020 vitally concern the health, peace, safety and general welfare of the people of this State. It is declared to be the policy of this State to aid agricultural producers in preventing or correcting adverse marketing conditions, improving existing marketing conditions, expanding existing markets, promoting new or broader markets, developing more orderly or efficient or equitable methods in the marketing of agricultural commodities and thereby to aid agricultural producers to achieve and maintain a purchasing power at an equitable and reasonable level.

Public interest

2022. The production and marketing of agricultural commodities by producers within this State is declared to be affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this State for the purpose of protecting the health, peace, safety and general welfare of the people of this State.

Figs

2023. By reason of the climatic and other conditions relating to the production and marketing of figs for canning purposes no proration program under this chapter shall be established for figs for canning purposes.

Grapes

2024. By reason of the climatic conditions and other factors relating to the production of grapes therein no proration program shall be applicable to grapes in Sonoma, Napa, Mendocino, Lake, Santa Clara, Santa Cruz, Alameda, San Benito, Solano, San Luis Obispo, Contra Costa, Monterey, and Marin Counties, or any of them.

Article 3. Definitions

Definitions

2045. The definitions in this article govern the construction of this chapter, unless otherwise apparent from the context.

2046. "Product," "crop," or "commodity" means any horticultural, viticultural, or vegetable product of the soil, livestock and livestock products and poultry and poultry products, but does not include milk or milk products.

2047. "Proration zone" or "zone" means any district or districts for which a marketing program is proposed or has been instituted.

2048. "Marketing program," "proration program," "proration marketing program," or "program" may be used interchangeably and each means any program which contains provisions authorized by any of the provisions set forth in Article 8 of this chapter.

2049. "Proration" means the application of allocated quantities or percentages under a uniform rule to the production or merchantable production of all producers affected, for the purpose of regulating the quantity of any agricultural commodity which may be harvested, prepared for market or marketed in primary channels of trade during any specified period.

2050 "Commission" means the Agricultural Prorate Advisory Commission.

2051. "Producer" means any person engaged in the business of growing or producing any agricultural product for commercial use.

2052 "Distributor" means any person, other than a retailer, who acquires and distributes any product at wholesale or retail.

2053. "Retailer" means any person engaged in the business of making retail sales direct to the general public.

2054. "Handler" means any person receiving agricultural commodities from the producer for the purpose of marketing the same

2055 "Primary channel of trade" means that transaction in which the producer or a cooperative marketing association of producers transfers physical possession of the commodity to another person in the current of commercial trade.

2056. "Dealer" means any distributor or retailer.

2057. "Processor" means any person who buys, or otherwise takes title to or possession of, farm products for the purpose of

processing or manufacturing the same or selling, reselling, or redelivering the same in dried, canned, extracted, fermented, distilled, or other preserved form, and shall include (1) any person or exchange conducting such business and (2) any person or exchange buying farm products from the producer thereof for the purpose of reselling them to any person or exchange conducting such business.

Article 4. Administration

Agricultural Prorate Advisory Commission

2080. There is in the State Government the Agricultural Prorate Advisory Commission, consisting of nine members. Eight of the members shall be appointed by the Governor. The director shall be ex officio the ninth member. Six of the appointive members of the commission shall be engaged at the time of their appointment in the production of agricultural commodities as their principal occupation, but no two of these shall be appointed as representing the same commodity. One member shall be neither a producer nor a handler of agricultural commodities but shall be appointed to represent consumers generally. One member shall represent commercial handlers or processors of agricultural products The terms of office of the members, except the director, shall be four years beginning with the month of January and they shall be so staggered as to permit the appointment of two members each year. Members shall hold office until their successors have been appointed and have qualified. Vacancies shall be filled by appointment for the unexpired term.

Appointments

2081. All appointments of members of the commission shall be by and with the consent of the Senate, but shall be valid to all intents and purposes, subject, however, to the consent of the Senate at its next regular session, and until such time, the person so appointed shall have as full and ample authority as though confirmed by the Senate. In case the Senate, during its session, fails to act or refuses its consent to any such appointment, the Governor may, after adjournment of the Senate, appoint some other person, which appointment shall be valid to all intents and purposes, subject, however, to the consent of the Senate at its next regular session, and until such time, the person so appointed shall have as full authority and power as though confirmed by the Senate.

Oath of office

2082. Within 30 days after notice of his appointment each member shall qualify by taking the oath of office and filing it with the Secretary of State in accordance with law

General policies, etc

2083. The commission shall adopt the general policies as to its activities under this chapter and may from time to time adopt such rules and regulations as it deems necessary in connection therewith.

Secretary

2084. The director, with the consent of the commission, shall appoint a secretary for the commission. The secretary shall also serve as executive assistant to the director in the administration of the provisions of this chapter.

Attorney

The director may appoint an attorney and shall provide for such other personnel as may be necessary and shall prescribe their duties.

Compensation

2085. The members of the commission shall receive ten dollars ($10) per day for each day they are actually engaged on official business and shall be reimbursed for their actual traveling expenses.

Office, meetings, etc

2086. The office of the commission is in the City of Sacramento and it may meet at such times and in such places as may be expedient and necessary for the proper performance of its duties. The commission shall meet at least once every six months and oftener at the call of the president of the commission or of the director, when in the discretion of either the need arises. At all meetings of the commission a majority shall constitute a quorum.

Undue influence

2087. No member or employee of the commission or member of the program committee or the zone agent shall unduly influence producers in their choice either for or against the institution of a marketing program or for or against the termination of such a program.

Hearings, etc

2088. The director may conduct hearings and investigations on behalf of the commission.

2089. In the conduct of any hearing, inquiry or investigation the director may administer oaths, and issue subpenas for the attendance of witnesses and the production of papers, books, maps, accounts, documents and testimony in any inquiry, investigation or hearing ordered or undertaken in any part of the State.

2090. At each hearing at least one member of the commission shall be present. The superior court of the county in which any inquiry, investigation or hearing is held may compel the attendance of witnesses and require the disclosure by the witnesses of all facts known to them, relative to the matters under investigation, and the production of papers, maps, books, accounts, documents and testimony as required by any subpenas issued by the director. All parties disobeying the orders or subpenas issued under the authority of the director are guilty of contempt and shall be certified to the superior court of the county in which the contempt occurs, which court shall punish the contempt.

Access to records, etc

2091. The director through his duly authorized representatives and agents, including any zone agent in charge of a proration program, shall have access, solely for the purposes of investigating possible violations of any program, to the records of producers, dealers, distributors, public and private property transportation agencies, and handlers of a commodity as to which a proration program has been instituted, and shall have at all times free and unimpeded access to all buildings, yards, warehouses, stores and transportation facilities and other places in which any commodity under a proration program is kept, stored, handled or transported. All information obtained shall

be confidential and shall not be disclosed except when required in a judicial proceeding.

2092. In carrying out his duties under this chapter, the director may utilize the facilities and personnel of the state and county departments of agriculture. State and county departments of agriculture

2093. A full and accurate record of business or acts performed or of testimony taken in pursuance of the provisions of this chapter shall be kept and be placed on file in the office of the director, which records shall at all times be open to any interested person. Records

Article 5. Establishment of Proration Zones

2115. Ten or more producers of the variety or kind of agricultural commodity to be affected may file with the commission or the director a petition for the establishment of a proration zone and the institution of a marketing program. Establishment of proration zone

2116. The petition shall, among other things, contain or be accompanied by: Contents of petition

(a) A description of the district or districts comprising the zone upon which the proposed marketing program is to be based.

(b) A general statement of facts setting forth the necessity for instituting a marketing program.

(c) A draft of a proposed marketing program, or a statement of the principal features to be included in the proposed marketing program.

2117. If, after receiving a petition for the establishment of a proration zone and a proposed marketing program therefor, the director determines that such proposed zone and proposed marketing program are consistent with the provisions of this chapter, the director on behalf of the commission shall hold a public hearing at some central point located within the area described in the petition and proposed to be established as a proration zone In the event that the director determines that the proposed zone or proposed marketing program is not consistent with the provisions of this chapter the director shall refer such determination to the commission. If the commission concurs in the director's determination no hearing need be held. Public hearing

2118. If the commission does not concur with the determination of the director and determines that the proposed zone and marketing program are consistent with the provisions of this chapter the commission may request the director to hold a public hearing thereon. Prior to holding the hearing the director may require the petitioners to file with the department a good and sufficient undertaking to cover the probable cost of conducting the hearing and instituting a marketing program. Costs

2119. Prior to holding a public hearing upon a proposed proration zone and a proposed marketing program the director shall establish a list of producers of the agricultural commodity affected within the area comprising the zone. In establishing such list of producers the director may issue a notice to handlers requiring them to file with the director a certified report showing: List of producers Report

(a) The name and mail address of the handler.

(b) The quantities of the commodity to be affected, handled by the handler in the marketing season next preceding the filing of the report, together with a reasonable determination of the quantity so handled which was produced within the proposed boundaries of the zone.

(c) The correct names and mail addresses of producers, whose producing operations are located within the proposed zone, from whom the handler received the commodity to be affected, during the next preceding season.

(d) The quantities of the commodity received by the handler from each such producer in the marketing season next preceding the filing of the report.

Notice to handlers

2120. The notice to handlers requiring them to file the lists shall be published by the director for a period of not less than five days in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may require, and shall be mailed to all handlers of the commodity directly affected, of record with the department. The lists of producers shall be filed by handlers within 10 days from the last date of publication of the notice.

Lists of producers

2121. In addition the director may obtain lists of producers affected, whenever and in such manner as he may deem necessary or advisable for the purpose of checking, comparing or correcting such lists. The director shall maintain a current list of producers based upon the records of operations under each marketing program. Such producer list shall, subject to any proper corrections, be final and conclusive in making determinations relative to the assent by producers upon a marketing program.

Producer's name on list

2122. Any producer producing the commodity affected by any proposed or existing marketing program whose name does not appear upon the director's list of producers affected may have his name established thereon by filing with the director a signed statement advising that he produced such commodity in the next preceding season and giving the quantity produced and the quantity delivered into primary channels of trade in such season.

Notice of hearing

2123. Notice of the public hearing shall be mailed to a list of producers within the proposed zone at least 10 days prior thereto. The list of producers shall be established in accordance with the provisions of Sections 2119, 2120, 2121, and 2122. Also, a notice of such public hearing shall be given at least 10 days prior thereto by publication in a newspaper of general circulation within the area proposed as the zone. In case the proposed proration zone includes areas that are noncontiguous the director shall hold a hearing in each. At the public hearing the director shall receive evidence and testimony offered by the petitioners in support of the proposed proration zone and the proposed marketing program and testimony and evidence from any interested person in support of or in opposition thereto. All testimony at the hearings shall be under oath.

Hearing

2124. The hearings may be adjourned from time to time and from place to place as the circumstances may require. For the purpose of procuring additional evidence, facts, and data, petitioners or opponents shall, upon proper motion, be granted a continuation of any hearing by the director for a period not exceeding five days. A transcript of the proceedings at all such hearings shall be made by the director and shall be open to inspection by any interested party. Adjournment, etc

2125. All evidence and exhibits and all facts and data used directly or indirectly by the director, or introduced at a hearing, shall within a reasonable time after being used or introduced be available at the office of the commission to all interested parties. Evidence, etc., available

2126. The director, with the approval of the commission, may decline to hold a public hearing upon a proposed proration zone and a proposed marketing program if he determines and is satisfied that a public hearing cannot be held within a reasonable time in advance of the harvesting or the beginning of the marketing season for the agricultural commodity so as to permit the formulation and establishment of an equitable and effective marketing program for the marketing season. Refusal to hold hearing

2127. Before issuing a marketing program for the written assent of producers, which contains provisions for correlating the supply of the agricultural commodity affected with market demands therefor by means of restrictions upon the total quantity of the commodity or restrictions upon the total quantity of any grade, size, quality or condition thereof, which restrictions have the effect of limiting the total quantity of the commodity which may be marketed during any marketing season and which restricted portion of the commodity might otherwise be marketed by producers in compliance with other laws of this State or of the United States or in compliance with established commercial practice during the marketing season, the director shall find with respect to the marketing program that: Requirements of program

(a) The program will tend to re-establish or maintain such level of prices for the agricultural commodity as will provide a purchasing power for the commodity which is adequate to maintain in the business of producing the commodity such number of producers as is required to provide such supply of the quantities and qualities of the commodity as is necessary to fulfill the normal requirements of consumers.

(b) The program will tend to approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for the commodity.

(c) The program is in conformity with the provisions of this chapter and will tend to effectuate the declared purposes and policies of this chapter.

(d) The program will protect the interest of consumers of the commodity through the exercise of the powers of this chapter only to such an extent as is necessary to establish the level of purchasing power described in subdivision (a) of this section.

Same Factors to be considered

2128. In making the findings required by Section 2127, the director shall take into consideration all facts available to him with respect to the following economic factors:

(a) The quantity of the agricultural commodity available for distribution.

(b) The quantity of the agricultural commodity normally entered into primary channels of trade.

(c) The necessary costs of producing the agricultural commodity as determined by available surveys or other facts.

(d) The purchasing power of consumers as indicated by available reports and indices.

(e) The level of prices of other commodities which compete with or are utilized as substitutes for the agricultural commodity.

(f) The level of prices of other commodities, services, and articles which producers commonly purchase.

Same

2129. Before issuing a marketing program, for the written assent of producers, which contains provisions for the purpose of regulating the flow of the commodity, or any grade or size thereof, to market without restricting the total quantity which may be marketed during the season, or which marketing program provides for the establishment of grade, size, quality or condition specifications or for uniform grading and inspection or for advertising and trade promotion, the director shall find with respect to the program that:

(a) The program will tend to attain the objectives sought by the program.

(b) The program is in conformity with the provisions of this chapter and will tend to effectuate the declared purposes and policies of this chapter.

(c) The program will protect the interests of consumers in that the powers of this chapter are being exercised only to the extent necessary to attain the objectives of the program.

Bases for findings

2130. In making any findings pursuant to Section 2129, the director shall base his findings upon the facts, testimony and evidence received at the public hearing together with any other relevant facts available to him from official publications or institutions of recognized standing.

Included areas

2131. In addition to either of the applicable findings of Sections 2127 or 2129, the director shall find that the proposed proration zone includes all of the area within this State reasonably necessary to carry out and attain the objectives of this chapter.

Additional territory

2132. If, at a public hearing which includes a consideration of the establishment of the boundaries of a zone, it shall appear that the inclusion of territory additional to that described in the petition being heard, is necessary to the proper administration or enforcement of the proposed program the director shall postpone further proceedings until notice shall have been given by the director to the producers within the additional territory in the manner provided for in Sections 2117, 2118, 2123, 2124,

2125, and 2126. Thereafter the director may conclude the hearing, and prepare his findings.

Submission of findings, etc.

2133. The director shall submit his findings, together with a summary of the evidence received at any hearing authorized in this chapter to the commission for approval prior to the establishment of any zone or issuance of any marketing program. Upon the approval of the findings by the commission, the director shall establish such zone and issue such marketing program for the written assent of producers. If the commission does not approve of the findings of the director the commission shall examine the evidence and prepare its own findings and thereupon instruct the director to proceed in accordance with such findings.

Separate corporate entity

2134. Each zone shall constitute a separate public corporate entity and its affairs shall be managed by a program committee appointed in accordance with this chapter.

Article 6. Change of Zone Boundaries

Additions, annexations

2155. Any area within the State not already included in a proration zone and producing the same kind or variety of an agricultural commodity as is produced in a proration zone already established under this chapter, and regulated by a marketing program, may be added or annexed to the established proration zone pursuant to this article.

Public hearing

2156. Upon the receipt of a petition to change the boundaries of any proration zone, filed by producers producing not less than 10 percent of the production of the agricultural commodity affected produced within the boundaries of the zone established, or within the boundaries of the area proposed to be added, requesting that the existing marketing program or a proposed marketing program as amended be made applicable to the entire area included within the proposed changed boundaries of the proration zone, the director shall, on behalf of the commission, hold a public hearing, as provided in Article 5 of this chapter, and receive testimony and evidence as to whether or not the boundaries of the proration zone as established shall be changed as recommended. The director shall further, at the hearing, receive testimony and evidence with respect to the marketing program which is to be applicable to all of the area within the proposed changed boundaries of the proration zone.

Submission to producers

2157. After the hearing findings shall be made and procedures followed which are in accordance with the applicable provisions of Article 5 of this chapter. If the findings are positive, and a marketing program issued, and a zone with new boundaries established, the marketing program shall be submitted to producers within the zone for their written assent as prescribed by the applicable provisions and procedures of Article 9 of this chapter.

Dismissal of proceedings

2158. If the marketing program submitted is not assented to by producers in sufficient number and by sufficient volume to meet the requirements of Article 9 of this chapter, the di-

rector, with the approval of the commission, shall dismiss the proceedings instituted to change or annex the boundaries of the zone, and the marketing program in operation at the time the proceedings were instituted shall continue to be effective within the boundaries of the zone as constituted prior to the proceedings. The marketing program shall have the same force and effect as though no proceedings had been instituted under the provisions of this article

Article 7. Program Committees

Initial program committee

2180. The director shall appoint the initial program committee from nominations received at the public hearing upon the proposed program. The term of office of the initial program committee shall be for one marketing season. The term of office of subsequent program committees for each marketing program shall be two years or until their successors have been appointed and have qualified. The beginning date of the term of office shall be set forth in the marketing program.

Members, alternates Appointment, term, etc.

2181. For terms subsequent to the term of the initial committee, members and their respective alternates shall be selected and appointed in accordance with the following procedure: The director shall divide the proration zone into as many districts as may be necessary for the proper administration of the program, and allot to each district the proper number of producers to be appointed to serve as members and alternate members upon a program committee so as to give as nearly as possible adequate representation to all producers in all such districts. Members and their respective alternate members shall be appointed by the director with the approval of the commission from lists of producers eligible to serve on the program committee.

Nominations, voting

2182. Eligible lists shall be established by the director either by means of a meeting or meetings of producers in each district, or by means of mail ballot, or by a combination of meetings and mail ballot The method to be used shall be determined by the director with the approval of the commission, except that a mail ballot shall be granted upon a written request of 10 percent of the producers. Each producer shall be entitled to one vote and voting by proxy shall not be permitted. From nominations made, not less than three eligible persons shall be selected for each member of the committee Persons nominated must be producers with producing properties located within the district for which nominated.

Corporations, alternates, etc

2183. In the event a corporation or a partnership is a producer, it may designate a representative who may be a nominee. Each respective alternate shall be appointed from the same eligible list from which the member is appointed. Each district in the zone shall be entitled to at least one member and one alternate member of the committee. The program committee may at any time invite handlers or other persons to their meetings to serve in an advisory capacity and may authorize, subject to the approval of the director, the payment of compensation

Advisers

and necessary expenses to persons serving in such advisory capacity at rates not to exceed those granted to program committee members.

Handler members, alternates

2184. The director may, if requested by the producer members of the program committee, appoint on the committee, in addition to the producer members, not more than three handler members and their respective alternates who are handlers of the commodity affected by the marketing program of the zone. The appointments of the director shall be subject to approval by the commission. Such approval may be given by the commission, in lieu of approval at a meeting of the commission, by written approval of a majority of the commission members other than the director.

Individual responsibility

2185. The members and alternate members of any program committee or grading committee duly appointed by the director, including employees of the program committee shall not be held responsible individually in any way whatsoever to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the program committee. The liability of the members of the program committee and grading committee shall be several and not joint and no member shall be liable for the default of any other member.

Compensation

2186. Program committee members shall be entitled to compensation at a rate not exceeding ten dollars ($10) each for each day while engaged on official business, except that such compensation shall not be paid for more than five days in any month unless approved by the director, and members shall be reimbursed for their necessary traveling expenses.

Alternates, compensation

2187. An alternate member of a program committee shall sit as a regular member of the committee in case the member for whom he is an alternate fails for any reason to attend any meeting of the committee, and he shall be compensated and reimbursed for his necessary traveling expenses in the same manner and to the same extent as a regular member when so serving.

Vacancies

2188. Vacancies on the program committee occasioned by the expiration of term of office shall be filled from eligible lists of producers selected in each district obtained as provided in Sections 2180 to 2185, inclusive. Vacancies occasioned by the death or resignation of any member, or by removal for incompetence, inattention, or neglect of duties as a member of the program committee, by the director, with the approval of the commission, or by a member ceasing to qualify as a producer or handler of the commodity concerned, shall be filled from persons remaining on the eligible lists of producers from which the appointments for the current term were made, or from new lists obtained as provided in Sections 2180 to 2185, inclusive.

Agent, appointment, term etc

2189. The program committee shall appoint an agent, subject to the approval of the director, who shall administer the marketing program under the direction of the program committee and who may be removed from office in the same manner as he was appointed. The salary or compensation of the agent shall be fixed by the program committee subject to the approval of the director.

Deputy agents, etc

2190. The agent shall appoint such deputy agents and other assistants as may be necessary to direct the program, which appointments shall be subject to the approval of the program committee. The agents, deputy agents and other assistants are employees of the zone and not of the State. No officer or employee shall receive compensation based on a percentage of volume involved in a marketing program, or in any manner that would lend encouragement to the promotion of a marketing program for the purpose of increasing salaries and income.

Program committee powers

2191. The program committee with the approval of the director is authorized to:

(a) Appoint subcommittees in any producing areas within the zone to facilitate the carrying out of the purposes of this chapter.

(b) Collaborate and cooperate with agencies or organizations with similar purposes, whether of this State, other states or of the United States, in the formulation and execution of marketing programs or marketing orders having common objectives. In proper cases the commission or director may require such collaboration and cooperation.

(c) Cooperate with duly constituted authorities in the enforcement of other laws of this State, or of the United States, enacted to protect producers or the consuming public from fraud or deception.

(d) Make contracts and agreements in the furtherance of any of the powers of the program committee.

Exercise of powers

2192. The exercise of the powers granted to a program committee in its administration of a marketing program made effective in accordance with the provisions of this chapter shall be subject to the approval of the director. In the event the director disapproves of an action taken by a program committee or does not within a reasonable time approve of an action of a program committee, the committee may appeal to the commission. The commission shall make a review of the subject matter under consideration and make a determination. In such event the director shall proceed in accordance with the determination of the commission.

Article 8. Marketing Programs

Powers of program committee

2214. The powers granted to a program committee by a marketing program under this article may be exercised for the purpose of minimizing the effect of surpluses or other adverse market conditions.

2215. A marketing program may authorize the program committee to establish and maintain stabilization and surplus pools. The program committee may receive from each producer for delivery into a stabilization or surplus pool the uncertificated portions of the agricultural commodity regulated by the marketing program and market the same by varieties, grades or sizes for the account of the producers when the uncertificated portion can be disposed of advantageously either in its original or converted state. The program committee shall designate the quantity or the percentage of the marketable supply of the commodity that shall be placed in the stabilization pool and the quantity or the percentage of the marketable supply of the commodity that shall be placed in the surplus pool. Quantities or percentages so established shall be applicable to each producer. Stabilization and surplus pools

2216. In operating any stabilization or surplus pool, the program committee may receive and account for the commodity on the basis of variety, grade or size classifications and may fix servicing charges to be assessed against the total quantity of any commodity received into the pools. The program committee shall have title to all of the commodity in each of the pools and shall handle all of the commodity received into each of the pools and account for the same to each producer who is beneficially interested therein upon a pooled basis. Receipt title etc

2217. In the case of a stabilization pool, the contents may be disposed of or may be marketed from time to time as the program committee deems advisable, consistent with the maintenance of stabilized marketing conditions. Disposal of product

2218. In the case of a surplus pool, the contents of the pool shall not be marketed in any form which would directly compete with that portion of the commodity which is regularly certificated or which is in a stabilization pool. However, any part of any surplus pool may be transferred by a program committee on a gratuitous basis to charitable organizations, self-held cooperatives, and similar agencies under proper safeguards to prevent any part of the commodity so disposed of from directly competing with the part of the commodity marketed through the usual channels of trade.

2219. A marketing program may authorize the program committee to establish and maintain diversion or substandard pools. The program committee may receive from each producer for delivery into a diversion or a substandard pool such quantity of each producer's production or deliveries as fails to qualify for marketing or sale in regular marketing channels, under grade, quality or size regulations established in the marketing program or under standardization laws or other laws of the State or of the United States. Diversion or substandard pools

2220. In operating any such diversion or substandard pool, the program committee may fix servicing charges to be assessed against the commodity received into the pool and may receive and account for the commodity on a basis of variety, grade and size classifications. The program committee shall have title to Same Charges, receipt, etc

all of the commodity in either of the pools and shall handle all of the commodity received into either of the pools and account for the same to each producer who is beneficially interested therein upon a pooled basis.

Disposal of product

2221. The contents of any diversion or substandard pool shall be disposed of for by-products or for other purposes under proper safeguards to prevent that part of the commodity so disposed of from directly competing with the part of the commodity marketed in its usual form through the usual channels of trade.

Program committee powers

2222. A marketing program may authorize the program committee to create, establish, or otherwise obtain and operate facilities for the storing, financing, grading, packing, servicing, processing, preparing for market, selling and disposal of the contents of any pools provided for in this article; but nothing in this chapter shall authorize a program committee to engage in public warehousing.

2223. The program committee may pledge all of the commodity in any pools established under the provisions of this article with a bank or other lending agency for the purpose of obtaining loans thereon. The program committee shall have title to all of the commodity in any such pools for the purpose of financing and handling.

Equalization fund

2224. A marketing program may authorize the program committee to create, by a uniform assessment upon producers based upon the volume of the commodity marketed by each or upon some other uniform and equitable basis, maintain and disburse an equalization fund to be used for the removal of any inequalities between producers as to the total volume marketed through prorated channels resulting from errors in estimating production or surplus or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets or diverted to relief, by-products, or other noncompetitive purposes pursuant to a marketing program.

2225. No part of any funds raised for equalization fund purposes as specified in Section 2224 shall be applied to the cost of maintenance of the commission and the department.

Correlation of supply and demand

2226. A marketing program may authorize the program committee to establish, adopt, and apply methods for correlating the marketable supply of any commodity to the reasonable market demands by means of volume limitation, time limitation, diversion, or by grade, quality, or size regulations applicable to the total production of any commodity, or to that portion of any commodity which qualified for marketing pursuant to standards authorized in the marketing program, standardization laws, or other laws of this State, or of the United States If grade, quality, or size regulations are authorized under any marketing program for any commodity used for canning, freezing, fermenting, or distilling, and the regulations are not an integral part of a proration plan for the purpose of controlling a surplus condition in the commodity, such grade, quality, or size regulations or

interpretations, or modifications thereof must be approved by a grading committee appointed by the director consisting of the program committee, or a subcommittee, of at least seven members and an equal number of processor representatives nominated by the industry engaged in the processing of the commodity involved. Any action of the grading committee must be concurred in by a majority of the processor members, a majority of the producer members, and by the director.

Educational and trade stimulation efforts

2227. A marketing program may authorize the program committee to broaden distribution and increase consuming outlets by appropriate educational and trade stimulation efforts of a general industry nature and not unfairly depreciative of the quality of any other food product.

Educational and trade stimulation efforts may include efforts to prevent, modify, or remove trade barriers directly affecting the commodity to which the marketing program applies; and may also include the presentation of facts to, and negotiations with, state, federal, or foreign governmental agencies on matters which affect the marketing of the commodity.

Fee or assessment on commodity marketed

2228. For the purpose of providing funds to defray the cost of formulating, administering and enforcing educational and trade stimulation efforts a fee or assessment shall be established and collected upon the volume of the commodity marketed or upon some other uniform and equitable basis. The fee may be collected separately by the program committee or may be combined with any fee collected for general administrative purposes, in which case the program committee may recommend to the director, and the director may approve, the proportions of the combined fee which may be expended for each of such purposes.

Funds carried forward

2229. Any portion of the funds collected during any marketing season to accomplish the purposes of Sections 2227 and 2228 may, subject to the approval of the director, be carried forward for expenditure during seasons subsequent to the season during which the funds are collected.

2230. Any educational and trade stimulation efforts authorized by any marketing program when approved by growers, either by written assent or by referendum ballots, for a specified period of time, but not exceeding four years, may be carried out for such period without the necessity of a biennial referendum as required in Section 2370.

Adjustment of production

2231. A marketing program may authorize the program committee to provide for the adjustment of production of any agricultural commodity by means of tree or vine pulling. The program committee may receive applications from producers for acreage adjustment payments. The program committee shall, upon proper review and certification, make such acreage adjustment payments on an equitable basis from funds collected for that purpose under the marketing program on a uniform basis from all commercial producers of the agricultural commodity within the zone, or from funds received from federal, state or other agencies for that purpose.

Exemptions

2232. No program of production adjustment adopted under Section 2231 shall authorize payments for the removal of acreages of trees or vines of the species or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by state or federal agencies or such other data as the director deems to be representative and reliable.

Research: Cost

2233. If the program committee finds that the results of research would be advantageous in the administration of a marketing program it may, subject to the approval of the director, authorize and arrange for research to be conducted. The cost of the research shall be considered a part of the cost of the administration of that portion of the marketing program for which the research is authorized.

Agency to carry out research

2234. In any such research, the Dean of the College of Agriculture of the University of California and the program committee shall cooperate in selecting the research projects to be carried on from time to time. Insofar as practicable, the projects shall be carried out by the College of Agriculture, but if the dean of the college and the program committee determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the program committee.

Article 9. Assents to Program

Copy of marketing program to each producer

2255. Upon the issuance of a marketing program for the written assent of producers the director shall submit a copy of the marketing program in full to each of the producers of the commodity to be affected or their duly authorized agent within the proposed zone as shown by the lists of producers compiled in accordance with the provisions of this chapter, accompanied by a printed, typewritten or mimeographed form upon which the producer can record his assent to the program. A nonprofit cooperative association may assent on behalf of any of its members only if authorized so to do by an instrument in writing signed by the member.

Revocation of agency

2256. Such authority may be revoked as to him by any such member by an instrument in writing filed with the director and with such association, which revocation shall become effective three days after its receipt by the director. A copy of any written authorization of a producer to the nonprofit cooperative association of which he is a member shall be forwarded to the director by the association and likewise a copy of any revocation of such authority.

Closing date for assents to program

2257. The director may at the time of mailing to producers a marketing program or amendments thereto for written assent,

establish a closing date after which assents will not be counted In such event the closing date upon which assents must be postmarked in order to be counted must be shown on the assent form and be announced by a press release for general dissemination issued by the director

Subsequent closing date Publication

2258. In the event the closing date is not established at the time assent forms are mailed to producers, and the director subsequently finds that because of the oncoming harvesting season or because of any other relevant reason it is desirable to fix a closing date for filing assents, he may do so by publishing a notice in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe not less than 10 days prior to the closing date, and the closing date shall also be announced by a press release for general dissemination issued by the director at least 10 days prior to the date.

Marketing program effective

2259. When the director finds that the marketing program has been assented to in writing by not less than 65 percent of the producers in the zone who produced for market not less than 51 percent of the quantity of the agricultural commodity or is assented to by not less than 51 percent of the producers who produced for market not less than 65 percent of the quantity of such commodity produced in the zone in the next preceding season, he shall make the marketing program effective.

Notice of effective date

2260. Whenever the director makes a marketing program effective he shall publish a notice of the effective date in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe, not less than five days prior to the effective date.

Article 10. Proration Certificates

Proration certificates

2280. After any marketing program has been formulated and has been approved as provided in this chapter, the agent for the zone shall assume the administration of the program and any subsequent modification thereof and the issuance of proration certificates thereunder. Such certificates shall be divided into primary and secondary certificates Each producer shall be entitled to one primary certificate which may indicate the quantities of the commodity for which the program has been instituted which the producer named in the certificate shall be entitled to harvest or otherwise prepare for market and delivery into the primary channels of trade. The primary certificate may also indicate from time to time the number of secondary certificates issued under it.

Secondary certificates

2281 Secondary certificates shall be numbered consecutively and shall be used to control the time and volume of harvesting or other preparation for disposal. Secondary certificates shall accompany all deliveries of the prorated commodity by producers into a primary trade channel In the case of commodities which are normally concentrated for preparation for market, the program committee may authorize harvesting of the entire crop for

the purpose of delivery to a concentration point and subsequent marketing control. Primary or secondary certificates shall not be negotiable between producers except with the approval of the program committee and the director.

Nonnegotiable

Cooperative and other market agencies

2282. In the operation of any program, cooperative and other market agencies entitled to the possession of agricultural commodities for marketing purposes may be authorized in writing by the program committee to receive certificates for producers represented by them and to represent their respective producers when proration is applied to the commodity while in the possession of such agencies.

Article 11. Amendments to Programs

Major amendments

2305. Any amendment to a marketing program in effect which adds to or deletes from the program any of the following principal types of regulation or authorization constitutes a major amendment for the purpose of this article:

(a) Authority to correlate the marketable supply of any agricultural commodity with reasonable market demands by means of volume, grade, size, variety or time regulations.

(b) Authority to fix salable and surplus percentages.

(c) Authority to establish, maintain and operate stabilization, surplus, or diversion—substandard pools.

(d) Authority to create, establish, or otherwise obtain and operate facilities for the storing, financing, grading, packing, servicing, processing, preparing for market, selling or disposing of the contents of any pools established.

(e) Authority to create and disburse an equalization fund as provided for in Sections 2224 and 2225.

(f) Authority to broaden distribution and increase consuming outlets by educational and trade stimulation efforts.

(g) Authority to provide for the adjustment of production of any agricultural commodity by means of tree or vine pulling.

(h) Authority for carrying on research relating to production, processing, or distribution of any agricultural commodity, that is in addition to research that is directly necessary to the administration of the marketing program.

(i) Authority to increase an assessment rate or fee beyond the maximum authorized by the marketing program in effect.

(j) Authority to extend the application of the provisions of the marketing program to portions or uses of an agricultural commodity not subject to such provisions or to extend the application of such provisions upon the producers of such portions or uses of any such commodity.

Major amendment effective

2306. A major amendment shall not be made effective unless a public hearing has been held thereon in accordance with the provisions of Article 5 of this chapter for the establishment or institution of a marketing program, and the director finds that the amendment is in conformity with the applicable provisions and procedures of Article 5 of this chapter; and that the amendment is assented to in writing in the required percentages prescribed in Article 9 of this chapter.

2307. Minor amendments may be made to an effective marketing program upon the recommendation of not less than 75 percent of the producer members of the program committee, with the approval of the director, if the director finds that such amendments are in conformity with the applicable provisions and procedures of Article 5 of this chapter. If the director deems it advisable he may, on behalf of the commission, hold a public hearing upon minor amendments prior to such approval. Any public hearing held for this purpose shall be held within the boundaries of the zone. Minor amendments effective

2308. The amendment of any marketing program to provide for a referendum is a minor amendment. Referendum

2309. Any modification of the provisions of any marketing program in effect for the purpose of clarifying the meaning or application of the provisions or modifying administrative procedures for carrying out the provisions is a minor amendment. Modifications, etc

2310. Whenever the director makes any amendment to a marketing program effective he shall publish a notice of the effective date in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe, not less than five days prior to the effective date. Director's amendment

Article 12. Funds

2335. The zone agent for each marketing program shall collect, either for each primary certificate or for each secondary certificate, or for both, a reasonable and proportional fee to be fixed by the program committee, subject to the approval of the director, so calculated as to provide an amount adequate to defray the necessary expenses of instituting and carrying out the marketing program and a proper proportion of the cost of the maintenance of the commission and of the department in the performance of duties required by this chapter. Expenses of program

2336. Any fee for primary certificates or secondary certificates fixed by the program committee with the approval of the director, pursuant to this article, shall be due and payable by each producer upon all units of the commodity of the producer which are subject to the certificates and shall constitute a personal debt of the producer. In the event that any producer has authorized a handler to obtain secondary certificates and pay secondary certificate fees on behalf of the producer, or in the event that the handler has been a party to noncompliance with respect to payment for certificates or corresponding fees, the amounts unpaid shall constitute a personal debt of the handler. Fees for certificates

2337. The proportion of the fees payable to the commission and to the department may vary upon a seasonal basis for each program according to the estimated expense to be incurred by the director and the commission in administering the program. The amount so required shall not exceed 15 percent of the certificate fees collected by the zone agent specifically for administrative purposes and in addition such proportion of Proportion of fees

fees collected for any educational and trade stimulation program as may be required by the commission and the director to administer the program which shall in no event exceed five percent of the fees collected for such purpose, unless the payment of a larger proportion of such funds is approved by the program committee for the marketing program.

Conference prior to fixing proportion upon request

2338. Upon request of any program committee, the commission shall confer with the committee or its representatives prior to fixing the amount or proportion of any fees of the marketing program payable to the department for maintenance of the commission and the department in the performance of the duties required by this chapter.

Deposits

2339. All such fees shall be deposited promptly by the zone agent in a bank or banks approved by the Director of Finance, and shall be accounted for forthwith to the Director of Agriculture. Each deposit shall be made in the name of the zone under which the funds are collected and shall be disbursed by the director, pursuant to rules and regulations prescribed by the director, and approved by the commission, only for the expenditures incurred by the program committee in carrying out the specific purposes and provisions of the marketing program, including all necessary expenses incurred in the formulation, administration and enforcement of the program.

Withdrawals, payments, use

2340. The proportionate amount of fees payable to the department shall be withdrawn from the funds monthly by the director and paid into the Department of Agriculture Fund in the State Treasury and shall be used only for the support of the commission and of the department in carrying out their duties as required by this chapter.

Refunds

2341. At the end of any marketing season as designated in each marketing program, after proper provision has been made for the payment of all necessary expense incurred in connection therewith, any moneys remaining to the credit of the program committee, other than those collected to carry out the educational and trade stimulation efforts provided for in Sections 2227 and 2228, shall be refunded upon a pro rata basis to all persons from whom certificate fees were collected. If the marketing program continues in effect, the refund may, upon the resolution of the program committee with the approval of the director, be deferred so as to permit the program committee to use the residual funds to meet operating expenses in the succeeding season or until sufficient funds have been collected or the collection of sufficient funds is assured to enable the committee to make the refund and to defray the expenses of the then current marketing season, including an allowance for preliminary expenses of the next succeeding season.

Transfer of funds to carry out marketing program

2342 At the time the refund is made, the program committee shall file with the director a claim for the refund to growers entitled thereto. If the director finds that as of the end of any marketing season the amount remaining to the credit of the program committee is so small as to make impractical the computation and remitting of the pro rata refund,

the director may authorize the transfer of the funds to the then current marketing season for expenditure in carrying out the marketing program.

Refunds

2343. Unexpended balances of money collected to carry out the educational and trade stimulation efforts provided for in Sections 2227 and 2228 sufficient in amount to warrant incurring the expense of making a refund shall be refunded following the termination of any marketing program containing provisions authorized by those sections or following the suspension or termination of educational and trade stimulation provisions of any marketing program, and the refund shall be made upon such pro rata basis as the program committee and the director determine to be equitable.

Transfer to Department of Agriculture Fund

2344 If the unexpended balance is so small as to make impractical the computation and remitting of a pro rata refund, the director may authorize the transfer of the funds to the administrative account of the marketing program or to the Department of Agriculture Fund for the support of the commission and the department in carrying out their duties in the administration of this chapter.

Minimum refunds

2345. Unless otherwise requested by the program committee, the director shall not be required to issue refunds to any producer in an amount less than one dollar ($1).

Checks, etc., unclaimed, etc., canceled

2346. Any checks or warrants drawn against the fund to any marketing program remaining unclaimed or uncashed for a period of six months from date of issuance shall be canceled and the money retained for disbursement to the original payee or claimant upon satisfactory identification for a period of one year from the time the checks or warrants are canceled. The money so retained, if not claimed within the period of one year shall be credited to the then currently operating marketing program for the commodity under which the funds so retained were collected.

Disposal of funds

2347. If there is no program then in effective operation for the commodity, the funds shall be credited to the unexpended balance, if any, of the last previous marketing program for the commodity. In the event there is no marketing program then in current operation or no balance exists from any previous marketing program to which the funds may be credited, the funds so retained shall be deposited in the State Treasury as unclaimed trust moneys.

Bonds

2348 No agent or employee of the program committee shall have or receive any funds collected pursuant to the provisions of this chapter until such agent or employee has filed with the director a bond in such form and in such penal sum as the director may prescribe.

Relief of responsibility of collecting amounts due

2349. Upon the recommendation of the program committee the director may relieve the zone agent of the responsibility of collecting any amounts due and unpaid not exceeding one dollar ($1) when the director determines that the collection

is improbable or the cost of collecting would exceed the amount involved.

Suits for collection

2350. The director, in addition to other remedies provided by law, may direct suit in the name of the people of the State of California as plaintiff, to be brought for the recovery of fees as provided in this chapter. In such case the director may make the necessary affidavit for and a writ of attachment may issue, without any bonds being given on behalf of the plaintiff. All fees collected in this manner shall be handled as provided in this article.

Article 13. Termination of Programs

Referendum

2370. In the event any marketing program in active operation does not provide for a periodic referendum of producers of record with the department, directly affected by the program, for the purpose of determining whether or not the program shall be continued or modified, it shall be the duty of the director, prior to the beginning of a marketing season, to conduct a referendum on the program at least biennially for the purpose of making the determination. An expression by a majority of the producers participating in the referendum shall govern the action of the commission and the director in declaring a program modified, continued or suspended. In conducting the referendum, the commission and the director may require the majority expression to be that of producers in terms of volume of production in addition to numbers of producers voting.

Termination by petition

2371. After the institution of any marketing program, the program shall be terminated when there is filed with the director a petition for its termination signed by not less than 40 percent of the producers of the commodity in the zone who produced not less than 40 percent of the commodity affected which was produced within the zone during the last preceding season. The signatures of the producers upon the petition shall be those of the producers whose names appear on the list used at the institution of the program or on any corrected list which the director shall have had prepared during the existence of the program, or their successors in interest.

Contents of petition

2372. Each petitioner shall, upon affixing his signature to the petition for termination, write in the date of signing, and no signature to the petition shall be valid for any purpose if affixed more than six months prior to the filing of the petition with the director. The petition shall be accompanied by a good and sufficient undertaking in an amount equal to the probable costs incident to conducting the hearing and making of findings

Hearing

A hearing must be held by the director upon the petition to determine the sufficiency of the signatures, which hearing must be held within 60 days after the presentation of the petition.

Termination date

2373. If from a check of the petition together with the facts and evidence adduced at the hearing, it is established that the petition to terminate is signed by the required 40 per-

cent of the producers of the commodity in the zone who produced at least 40 percent of the agricultural commodity affected which was produced within the zone during the last preceding season, the director, with the approval of the commission, shall terminate the program. Any marketing program on a seasonal crop shall not be terminated except at the end of its marketing season.

Costs of hearing, findings

2374. The costs incident to conducting the hearing and making of findings shall be paid from the funds of the program to the extent that they are available and thereafter from the undertaking. In the event the petition be found insufficiently signed, the entire cost of conducting the hearing shall be paid from the undertaking. In the event of the termination of a program, any funds remaining for the use of the program committee not otherwise disposed of by the provisions of this chapter shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

Investigation and termination, etc

2375. The director, on behalf of the commission, may at any time initiate an investigation to determine whether or not the facts specified in Sections 2127 to 2134, inclusive, continue to exist. Upon a finding that any one or more of the prerequisite facts no longer exist, the director, with the approval of the commission, shall terminate or suspend the program and may dissolve the zone. In no case shall any program on a seasonal crop be terminated or suspended except at the end of its marketing season.

Article 14. Actions and Penalties

Actions for penalties etc

2395. Any action for penalties or other remedies prescribed in this chapter shall be commenced within two (2) years from the date of the alleged violation.

Injunctions

2396. Any person who shall possess, market, handle, or transport any commodity in violation of any provision of an original or modified proration program approved and made effective or in violation of any rule or regulation adopted by any program committee and approved by the director may be enjoined by the director or by the zone affected with the approval of the director in an action brought in the superior court for the county in which any of the violations is alleged to be occurring. There may be enjoined in the same proceeding any number of defendants alleged to be violating the same program although their actual violations of the program may be separate and distinct and occur in different counties. In any action for injunction brought hereunder, the procedure shall be governed by the provisions of Chapter 3, Title 7, Part 2 of the Code of Civil Procedure.

Civil liability

2397. Any person who violates any provision of a proration program approved and made effective or who violates any rule or regulation adopted by any program committee and approved by the director shall be liable civilly in an amount not to exceed

a sum of five hundred dollars ($500) for each and every violation, to be recovered by the director or by the zone affected in an action brought with the approval of the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

Penalties

2398. It is a misdemeanor for:

(a) Any person to wilfully render or furnish a false or fraudulent report, statement or record required under this chapter.

(b) Any person to deliver into a primary trade channel without proper authority any commodity upon which a proration program has been instituted.

(c) Any handler, dealer, or carrier to receive or have in his possession, within this State, without proper authority any commodity upon which a proration program has been instituted.

(d) Any person to deliver or to attempt to deliver any commodity that has been diverted under the provisions of any proration program into any channel of trade other than that into which diversion has been ordered.

(e) Any person to aid or abet in the commission of any of the acts specified in this section.

Each infraction under this section shall constitute a separate and distinct offense

Exceptions

2399. The provisions of Section 2398 shall not apply to a common carrier operating over a regular route or between fixed termini where the shipment is made by the carrier in good faith and in accordance with its duties as a common carrier and where a record of every such shipment within or from this State is kept by the carrier showing the date of shipment, character and quality of shipment, origin and destination of the shipment, and the names of the consignor and the consignee. The record shall be open to inspection at all reasonable hours by or on the written order of the official or administrative authority charged with the enforcement of this chapter or any marketing program under this chapter.

Court review

2400. Any order of the director making effective a marketing program and any other order of the commission or director substantially affecting the rights of any interested party may be reviewed by any court of competent jurisdiction. Any such action must be commenced within 30 days after the effective date of the order complained of.

Repeal

SEC. 2. Chapter 754 of the Statutes of 1933 is repealed.

Severability clause

SEC. 3. 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 portion of this act. The Legislature hereby declares that it would have passed each provision of this act irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases, as provisions hereof, be declared unconstitutional.

CHAPTER 189

An act to codify the California Agricultural Products Marketing Act of 1937 by adding Chapter 12 to Division 6 of the Agricultural Code and repealing Chapter 307 of the Statutes of 1935, relating to the marketing of agricultural products.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 12 is added to Division 6 of the Agricultural Code, to read:

CHAPTER 12. THE CALIFORNIA AGRICULTURAL PRODUCTS MARKETING LAW OF 1937

Article 1. Short Title

Short title

2550. This chapter may be known and cited as the "California Agricultural Products Marketing Law of 1937."

Article 2. Legislative Declarations

Legislative declarations

2570. The unreasonable waste and inefficient use of agricultural resources occasioned by the marketing within the State of greater quantities of agricultural commodities than are reasonably necessary to supply the demands of the market and the disorderly marketing thereof are opposed to public interest.

2571. The difficulty inherent in any attempt of individuals to correlate within a reasonable degree the market supply of any agricultural commodity to current consumer demand within the State prevents such correlation and creates chaotic economic conditions in agricultural areas of the State of such severity as to imperil the ability of agricultural producers to contribute appropriate amounts to the support of ordinary governmental and educational functions, thus increasing the tax burdens of other taxpayers for the same purposes, and such conditions render it impossible for producers to be reasonably assured of a reasonable standard of living for themselves and their families.

2572. In the interest of the public welfare and general prosperity of the State, the unreasonable waste and inefficient use of agricultural resources should be eliminated, while at the same time preserving to all agricultural producers an equality of opportunity.

Article 3. Definitions

Definitions

2595. The definitions in this article govern the construction of this chapter, unless otherwise apparent from the context.

2596. "Agricultural commodity" or "commodity" means any agricultural, horticultural, viticultural and vegetable products of the soil, either in their natural or processed state, bees

and honey, produced in this State, but does not include timber and timber products

2597. "Producer" means any person engaged within this State in growing for market any agricultural commodity.

2598. "Handler" means any person engaged in handling an agricultural commodity.

2599. "To handle" means to market in intrastate commerce, any agricultural commodity, excepting the marketing of any agricultural commodity by a producer thereof to another person for the purpose of grading, processing, packing, or otherwise preparing such agricultural commodity for movement into the channels of trade.

2600. "Marketing order" or "order" means an order issued by the director, pursuant to this chapter, governing the handling of any agricultural commodity within this State.

2601. "Marketing agreement" or "agreement" means an agreement entered into by the director as provided in this chapter with persons engaged in transactions of intrastate commerce within this State in the handling of any agricultural commodity and governing the handling of such commodity.

2602. "Intrastate commerce" means all commerce other than that which is in the current of interstate or foreign commerce or which directly burdens, affects or obstructs interstate or foreign commerce.

2603. "Federated nonprofit agricultural cooperative marketing association" means a nonprofit agricultural cooperative marketing association whose members are in whole or in part either:

(a) Nonprofit agricultural cooperative marketing associations of producers, or persons representing such associations.

(b) Nonprofit cooperative agricultural marketing associations whose members are nonprofit agricultural cooperative marketing associations or persons representing such associations.

Article 4. Application of Chapter

Application limited

2625. This chapter applies only to those agricultural commodities, the movement of which into interstate commerce is regulated or controlled by marketing agreements or marketing orders executed or issued under laws of the United States.

Article 5. Administration

Director's powers

2645. Subject to the provisions of this chapter, the director may enter into agreements with, issue orders to, and enforce the provisions of agreements or orders upon, persons engaged in transactions of intrastate commerce within this State in the handling of any agricultural commodity.

2646. The director may, with respect to any given commodity, either execute an agreement without issuing an order, issue an order without executing an agreement, or may issue an order and execute an agreement.

2647. For the purpose of carrying out the terms of this chapter the director may hold hearings, take testimony, administer oaths, subpena witnesses and issue subpenas for the production of relevant books, records or documents of any kind.

Self-incrimination

2648. No person shall be excused from attending and testifying or from producing documentary evidence before the director in obedience to the subpena of the director on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may be so required to testify, or produce evidence, documentary or otherwise, before the director in obedience to a subpena issued by him; except, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Rules and regulations

2649. The director may adopt and enforce all rules and regulations necessary or desirable to carry out the provisions of this chapter and not inconsistent with law. Every general rule or regulation of the director shall be posted for public inspection in the main office of the director and in the Office of the Secretary of State at least three days before it becomes effective, and shall be given such further publicity, by advertisement in a newspaper of general circulation in the territory affected by the issuance of the rule or regulation, or otherwise as the director deems advisable.

Service of rules and regulations relating to specified persons

2650. A rule or regulation applying only to persons named therein shall be served on the persons affected by either:

(a) Personal delivery of a certified copy.

(b) Mailing a certified copy in a sealed envelope with postage prepaid to each natural person or in the case of a corporation in like manner to any officer or agent. Compliance with these provisions shall constitute sufficient notice to all persons affected by the rule or regulation. The director shall upon request mail a copy to any person affected by any general rule or regulation and may charge a reasonable fee therefor.

Cooperation with United States, other states

2651. The director may confer and cooperate with the legally constituted authorities of other states and of the United States, in order to secure uniformity in the administration of federal and state marketing agreements, statutes, or orders and in the regulations thereby prescribed. The director may conduct hearings jointly with the Secretary of Agriculture of the United States, and may exercise his powers under this chapter to effect uniformity of administration and regulation not inconsistent with the provisions of this chapter.

Article 6. Notice, Hearing and Findings

Hearings, notice, etc.

2675. Whenever the director has reason to believe that the execution of an agreement or the issuance of an order, or both, will tend to effectuate the declared policy of this chapter with

respect to any agricultural commodity, he shall either upon his own motion or upon application of any producer or handler of the commodity give due notice of and an opportunity for hearing upon a proposed agreement or order, or both. Notice shall be given by posting at the office of the director at Sacramento and by mailing a copy of the notice to the last known address of all handlers affected by the agreement or order whose names appear upon the most recent lists in the office of the director. The notice shall also be mailed to any person who shall have filed with the director a request for notice.

2676. The hearing shall be held within the State. At the hearing the director shall receive and hear the evidence offered by any interested person in support of or in opposition to the execution of the agreement or the issuance of the order. All evidence and exhibits used by the director or introduced at the hearing shall within a reasonable time after being used or introduced be available at a central point to all interested parties.

Adjournment

2677. The hearing may be adjourned from time to time and from place to place in the discretion of the director. A transcript of the proceedings at the hearing shall be made by the director and shall be open for inspection by any interested party.

Written findings, etc.

2678. If at the hearing the director finds that all the following facts actually exist, he shall make written findings to that effect and execute an agreement or issue an order, or both:

(a) The supply of the commodity available for marketing exceeds or is likely to exceed the demand therefor at prices which will provide a reasonable return to producers of the commodity.

(b) The return to producers of the commodity will tend to be increased through the operation of the proposed marketing plan.

(c) The proposed agreement or order may be administered without permitting unreasonable profits to producers of the commodity and without unreasonably enhancing prices of the commodity to consumers.

(d) The proposed agreement or order will tend to prevent disorderly marketing of agricultural products within the State.

(e) The proposed agreement or order will tend to provide consumers with a more stable and adequate supply of agricultural commodities.

(f) The proposed agreement or order will tend to establish or maintain such relationship between the quantity of the particular agricultural commodity marketed and the demands of the market for the commodity as will tend to continue in production such a volume of the commodity as is probable will be needed over a reasonably long period of time to supply the requirements of the commodity and to provide an adequate standard of living to the farm operator and his family.

If the director finds against the existence of any of the facts required to be present under this section, he shall not execute the agreement or issue the order.

Article 7. Terms of Marketing Agreements and Orders

2700. In addition to the requirements of Section 2701, agreements executed and orders issued pursuant to this chapter shall contain one or more of the terms and conditions specified in Sections 2702 to 2709, inclusive, or 2711 and may also contain terms and conditions provided for in Sections 2710 and 2712, but may contain no other terms and conditions. Terms, conditions

2701. Agreements and orders shall provide for the selection by the director, or a method for the selection by the director, of an administrative committee or committees and defining their powers and duties. Committees

2702 Agreements or orders may limit or provide methods for the limitation of the total quantity of any agricultural commodity, or of any grade, size or quality thereof, which may be marketed, or transported to market, in intrastate commerce during any specified periods, by all handlers thereof. Limitations

2703. Agreements or orders may allot or provide methods for allotting, the amount of any commodity, or any grade, size, or quality thereof, which each handler may purchase from, or handle on behalf of, any and all producers thereof, in intrastate commerce, during any specified periods, under a uniform rule based upon the amounts produced or sold by the producers in such prior period as the director determines to be representative, or upon the current production or sales of the producers, or both, to the end that the total quantity to be purchased or handled during any specified periods shall be apportioned equitably among current producers. Allotments Purchases, etc

2704. Agreements or orders may allot or provide methods for allotting, the amount of any commodity, or any grade, size or quality thereof, which each handler may market or transport to market, in intrastate commerce, during any specified periods, under a uniform rule based upon the amounts of the commodity, or any grade, size or quality thereof, which each handler has available for current shipment, or upon the amounts shipped by each handler in such prior period as the director determines to be representative, or both, to the end that the total quantity of the commodity, or any grade, size, or quality thereof, to be marketed or transported to market in intrastate commerce during any specified periods shall be equitably apportioned among all of the handlers thereof. Transportation to market

2705. Agreements or orders may determine or provide methods for determining, the existence and extent of the surplus of any commodity or product, or of any grade, size, or quality thereof, and provide for the control and disposition of the surplus but so as not to burden or obstruct interstate or foreign commerce in the commodity, and for equalizing the burden of the surplus elimination or control among the producers and handlers thereof. Surplus, etc

2706 Agreements or orders may establish or provide for the establishment of, reserve or surplus pools of any commodity or of any grade, size, or quality thereof, or the representative value of the commodity or of any grade, size, or quality thereof, Reserve surplus pools, etc

and provide for the equitable distribution of the net return derived from the sale thereof among the persons beneficially interested therein.

Grading standards, etc

2707. Agreements or orders may establish uniform grading standards of quality, condition, appearance, size or pack for any commodity and provide for the grading and inspection and regulation of handling of the commodity in accordance with the grading standards established. The grading standards for any commodity shall not be established below any minimum standards prescribed by law for the commodity.

Limitation on handling

2708. Agreements or orders may limit or provide methods for the limitation of, the periods in which handlers may engage in handling any agricultural commodity or variety thereof.

Liquidated damages

2709. Agreements or orders may determine or provide methods for determining in any agreement the amount which any signatory violating any of the provisions of the agreement may be required to pay to other signatories thereto as liquidated damages for the violation.

Unfair competition, etc

2710. Agreements or orders may prohibit unfair methods of competition and unfair trade practices in the handling of agricultural commodities regulated by the agreements or orders

Adjusting commercial production, etc

2711. Agreements or orders may provide for a program to adjust the commercial production of any agricultural commodity by means of tree or vine removal, including methods for financing the program by the acceptance of federal or state funds available for this purpose or by levying a uniform assessment upon all production or marketing subject to the agreement or order, or by both methods, and for the disbursement of the funds so obtained to those growers who qualify for payments under the program.

Tree or vine removal

Tree or vine removal under the program is voluntary and a grower is qualified to receive payment who, upon application to the administrative committee selected pursuant to this chapter and approval of the application, removes trees or vines as specified in the program and otherwise conforms with its provisions. Each application shall be considered and approved or disapproved in whole or in part, within the limits of the funds available, so as most effectively to accomplish the purpose of the program.

No program of production adjustment under this chapter shall authorize payments for the removal of trees or vines of the species or variety specified in the program which have averaged during the three immediately preceding years an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species or variety for the State as a whole, such yields and averages to be determined by the administrative committee from official federal and state statistical data or such other sources as are deemed by it to be competent and reliable All actions of the administrative committee under the program shall be subject to review and approval or disapproval of the director.

2712. Agreements or orders may contain any terms and conditions incidental to, and not inconsistent with, the terms and conditions specified in this article, and necessary to effectuate the other provisions of the agreement or order. Other terms

Article 8. Administrative Committees

2735. The exercise of the powers and duties of administrative committees is subject to veto by the director and is limited to the powers and duties specified in this article. Powers, duties of administrative committees

2736. An administrative committee may administer the agreement or order in accordance with its provisions.

2737. An administrative committee may make rules and regulations to effectuate the provisions of the agreement or order.

2738. An administrative committee may receive, investigate, and report to the director, complaints of violations of the agreement or order.

2739. An administrative committee may recommend to the director amendments to the agreement or order.

2740. An administrative committee may collect from each handler fees or assessments representing his pro rata share of such estimated expenses as the director, after the submission to him by the administrative committee or committees of a proposed budget, finds will probably be required to cover expenditures necessarily to be incurred by the committee or committees, during any period specified by him, for the maintenance and functioning of the committee or committees. The fees or assessments shall not exceed 1½ percent in the aggregate, of the gross dollar volume of sales, of the agricultural commodity regulated, by all handlers during the marketing season next preceding the execution of any agreement or the issuance of any order pursuant to this chapter.

2741. An administrative committee may receive, expend and account for the funds collected, and return to each handler his pro rata share of any unexpended balances which are not required.

Article 9. Assent to Marketing Orders

2765. No order issued pursuant to this chapter shall become effective until both the following have occurred: Order effective

(a) Handlers, who, during a representative period determined by the director, handled not less than 65 percent of the volume of the commodity regulated by the order, or not less than 65 percent of the number of handlers, who, during a representative period determined by the director, were engaged in handling the commodity, have assented thereto in writing.

(b) The director determines that the issuance of the order is approved or favored by at least 65 percent of the producers who, during a representative period determined by the director, have been engaged in the production for market of the commodity regulated by the order, or, by producers who, during

the representative period, have produced for market at least 65 percent of the volume of the commodity produced for market and regulated by the order.

Representative period

2766. The representative period may be determined by the director to be the next preceding crop season prior to the holding of the hearing, or may be such other representative period as the director may determine.

Nonprofit agricultural cooperative marketing association

2767. In the determination of whether the issuance of the order is approved or favored pursuant to the provisions of this article, the director shall consider the approval or disapproval by any nonprofit agricultural cooperative marketing association, either federated or nonfederated, which is engaged in the marketing of the commodity covered by the order, as the approval or disapproval of the producers who are members of, stockholders in, or under contract with the nonprofit agricultural cooperative marketing association either directly, or indirectly through affiliates federated together as provided in Section 2603.

2768. The approval, when executed by a nonprofit cooperative marketing association may be executed in the name of the association and need not set forth the names of the producers on whose behalf it signs.

Article 10. Persons Affected and Notice

Class affected

2790. Whenever an order is issued to any member of a class of persons, an identical order shall be issued to all members of the same class of persons.

Notice on public bulletin board

2791. Upon the issuance of any order or amendment of an order, a notice shall be posted on a public bulletin board to be maintained by the director in his office and a copy shall be published in a newspaper of general circulation published in the capital of the State and in such other papers as the director may prescribe.

Effective date

2792. No order or amendment shall become effective until five (5) days after posting and publication. The director shall mail a copy of the notice of the order to all known persons subject thereto whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for notice.

Article 11. Termination, Suspension or Amendment

Termination, suspension of order

2815. Whenever, upon his own investigation or otherwise, the director finds that any agreement or order or any provision thereof obstructs or does not tend to effectuate the declared policy of this chapter, he shall terminate, or suspend for a specified period, the operation of the agreement, order, or provision.

2816. If the director finds that the termination of any order or agreement is favored by a majority of the producers who, during such representative period determined by the director,

have been engaged in the production within the State for marketing of the commodity specified in the agreement or order, and who during such representative period, produced for market more than 50 percent of the volume of the commodity produced for market within the State, or produced within the State for marketing elsewhere, the director may, if he finds the agreement or order then obstructs or does not tend to carry out the declared policy of this chapter, terminate, or suspend for a specified period, the agreement or order or any provision thereof, but the termination shall be effective only if announced on or before such date (prior to the end of the then current marketing period) as may be specified in the agreement or order.

Amendments

2817. Whenever the director has reason to believe that an amendment of any agreement or order is necessary or desirable in order to effectuate the policy of this chapter, he shall call a hearing upon the amendment. The hearing shall be held in the same manner and upon the same notice as upon an original agreement or order. The notice of hearing shall refer by name and date of execution or issuance to the agreement or order, or both, to which the amendment is proposed. At the hearing the director shall receive and hear evidence offered for and against the proposed amendment by any interested person.

Hearing
Execution of amendment

2818. If upon the hearing upon the proposed amendment it is found by the director that the following facts exist he shall make written findings to that effect and execute the amendment to the agreement or issue the amendment to the order, or both:

(a) The proposed amendment will not prevent the agreement and order, or either, from meeting the requirements of Section 2678.

(b) The amendment will tend to facilitate the administration of the agreement and order, or will enable the agreement and order to better meet the requirements of Section 2678.

If the director finds against the existence of any of the facts required to be present under this section, he shall not execute the amendment to the agreement or issue the amendment to the order. The findings, if against the existence of any such facts, shall in no way impair or affect the agreement or order to which the amendment was proposed.

Evidence

2819. In considering the amendment, the director shall take into consideration the evidence presented at the original hearing on the agreement or order to which the amendment is proposed and upon any prior amendment.

Conditions to effectiveness of amendment

2820. No amendment to any agreement shall be effective as to any signatory, until approved in writing by that signatory. If not approved by the signatory within 10 days after its issuance by the director, the signatory is no longer a party to the agreement.

2821. No amendment to an order shall be effective until approved in the same manner as required by Article 9 of this chapter for the original order to which the amendment was proposed.

Article 12. Records

Books and records

2845. All persons subject to an agreement or order under this chapter shall maintain books and records reflecting their operations under the agreement or order and shall furnish to the director, or his duly authorized representatives, such information as may be requested by them relating to operations under the agreement or order, and shall permit the inspection by the director, or his duly authorized representatives, of such portions of such books and records as relate to operations under the agreement or order.

Information is confidential

2846. Information obtained by any person under this article is confidential and shall not be disclosed to any other person except in a court proceeding under this chapter, or to a person with like right to obtain such information, or any attorney representing the State or an administrative agency created by this chapter, in connection with the execution or enforcement of this chapter or any agreement or order issued under this chapter.

Article 13. Fees and Assessments

Fee, etc., is personal debt

2880. Any assessment or fee levied pursuant to any agreement or order, in accordance with Section 2740, constitutes a personal debt of every person assessed and is immediately due and payable to the administrative agency charged with its collection. The agency may in its own name, with the approval of the director, bring an action for its collection.

Use of funds

2881. Any funds collected by the administrative agency from the levying of fees and assessments shall be used for the purpose set forth in the agreement or order under which it was collected. A full and complete record thereof shall be kept to which the director may have access at any time, and a report of the activities and proceedings shall be filed with the director from time to time as the director may require

Filing fee, deposit

2882. Every application for an agreement and order submitted to the director for approval shall be accompanied by a filing fee of one hundred dollars ($100) and a deposit from the applicant in such amount as the director may deem necessary to defray the expenses of preparing and making effective the agreement and order. The director shall thereafter require the appropriate board, charged with the collection of funds for expenses, to deposit monthly with the department the amount deemed sufficient by the director to defray the actual expenses incurred during the subsequent month by the department in the administration and enforcement of any agreement or order.

Report

2883. Within 30 days prior to each general session of the Legislature, the director shall submit to the Governor a full report of transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period and shall submit quarterly to the administrative agency under each agreement or order a complete statement of receipts and expenditures in connection with each agreement or order during the quarter.

2884. The director may receive from any source, money or other value for services rendered, or as a gift, for carrying out the purposes of this chapter. Gifts

2885. All money received by the director under this chapter shall be reported at the end of each month to the Controller and at the same time deposited in the Treasury to the credit of the Department of Agriculture Fund. Report and deposit

2886. All money paid into the Treasury under this chapter is appropriated for the use of the director to be expended in accordance with law solely in carrying out the provisions of this chapter. Use of money

2887. The provisions of Sections 2885 and 2886 apply only to money received by the director under Sections 2740, 2882, 2884, and 2911, and have no application to money received or used under any agreement for the maintenance, support, and expenses of any board, commission, committee, officer, or employee thereunder and which are not paid or turned over to the director for his expenses in administering this chapter. Limitations

Article 14. Violations

2910. The violation of any provision of any agreement or order is a misdemeanor punishable by a fine of not less than fifty dollars ($50) or more than five hundred dollars ($500), or by imprisonment of not less than 10 days or more than six months, or by both. Each day during which any of the violations continue constitutes a separate offense. Penalties

2911. Any person exceeding any quota, allotment, or salable percentage fixed for him under any agreement or order or any amendment thereto, or any rule or regulation thereunder, or who shall make any shipment without first obtaining a required allotment or quota or qualifying to ship his salable percentage, or any other person knowingly participating or aiding in so doing is civilly liable to the State in a sum equal to three times the current market value of any excess or shipment, such sum to be recoverable in a civil suit, brought in the name of the State or in the name of the administrative agency under the particular agreement or order involved. Any administrative agency under any agreement or order may, with the approval of the director, bring such a suit. The funds so collected shall be used in the administration of the particular agreement or order. Civil liability

2912. The Attorney General, or any district attorney, may, upon his own initiative, and shall upon complaint of any person, if after investigation he believes a violation to have occurred, bring an action in the name of the people in the superior court for an injunction against any person violating any provisions of any agreement or order, or rule or regulation thereunder, to which he is subject. Injunctions

2913. In any action brought to enforce any of the provisions of this chapter, as provided in this article:

(a) Upon compliance with Section 527 of the Code of Civil Procedure, the court may issue a temporary restraining order Temporary restraining order, preliminary injunction

and preliminary injunction as in other actions for injunctive relief and upon the trial of the action, if judgment is in favor of plaintiff, the court shall permanently enjoin defendant from further violations.

Attorney's fees and costs

(b) The judgment, if in favor of the plaintiff, shall provide that the defendant pay to the plaintiff a reasonable attorney's fee and any and all costs of suit.

Venue

(c) Any such action may be commenced either in the county where any defendant resides, or where any act or omission or part thereof complained of occurred.

Provisions concurrent

2914. The penalties and remedies prescribed in this chapter with regard to any violation are concurrent and not exclusive, and either singly or combined are cumulative with any other civil, criminal or administrative rights, remedies, forfeitures or penalties provided by law.

Complete defense

2915. In any civil or criminal action or proceeding for violation of the Cartwright Act (Chapter 2, Part 2, Division 7, of the Business and Professions Code), the Unfair Practices Act (Chapter 4, Part 2, Division 7, of the Business and Professions Code), the Fair Trade Act (Chapter 3, Part 2, Division 7, of the Business and Professions Code), Section 1873 of the Civil Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with this chapter or an agreement or order under this chapter and in furtherance of the purposes and provisions of the chapter, shall be a complete defense.

Individual responsibility

2916. The members or employees of any administrative agency or any other board, committee, authority or body created pursuant to an agreement or order issued pursuant to this chapter shall not be held responsible individually in any way whatsoever to any handler or producer or any other person for error in judgment, mistake or other acts either of commission or omission as such member or employee except for their own individual acts of dishonesty, and no member or employee shall be held responsible individually for any act or omission of any other member of any such administrative agency, board, committee, authority or body.

Common carrier

2917. A common carrier, as such, shall not be criminally or civilly liable under this act for violation by a consignor or consignee, where the carrier accepts a shipment of an agricultural commodity without knowledge of the unlawful character of the shipment and keeps a record of every such shipment within or from this State showing the date of shipment, character and quantity of shipment, origin and destination of shipment, and the names of the consignor and consignee. Such records shall be open to inspection at all reasonable hours by or on the written order of the director.

Repeal

SEC. 2. Chapter 307 of the Statutes of 1935 is repealed.

Severability clause

SEC. 3. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature

hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite the fact that one or more sections, sentences, clauses or parts thereof be declared unconstitutional.

CHAPTER 190

An act to codify the California Agricultural Products Marketing Act of 1943 by adding Chapter 13 to Division 6 of the Agricultural Code and repealing Chapter 516 of the Statutes of 1943, relating to the marketing of agricultural products.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.] In effect September 9, 1953

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

SECTION 1. Chapter 13 is added to Division 6 of the Agricultural Code, to read:

CHAPTER 13. CALIFORNIA AGRICULTURAL PRODUCTS MARKETING LAW OF 1943

Article 1. Short Title

3050. This chapter may be known and cited as the "California Agricultural Products Marketing Law of 1943." Short title

Article 2. Legislative Declarations

3070. The unreasonable waste and inefficient use of agricultural resources occasioned by the marketing within the State of greater quantities of agricultural commodities than are reasonably necessary to supply the demands of the market and the disorderly marketing thereof are opposed to public interest. The difficulty inherent in any attempt of individuals to correlate within a reasonable degree the market supply of any agricultural commodity to current consumer demand within the State prevents such correlation and creates chaotic economic conditions in agricultural areas of the State. Legislative declarations

3071. In the interest of the public welfare and general prosperity of the State, the unreasonable waste and inefficient use of agricultural resources should be eliminated, while at the same time preserving to all agricultural producers an equality of opportunity.

Article 3. Definitions

3095. The definitions in this article govern the construction of this chapter, unless otherwise apparent from the context. Definitions

3096. "Agricultural commodity" or "commodity" means any agricultural, horticultural, viticultural and vegetable products of the soil, either in their natural or processed state, bees

and honey, produced in this State, but does not include timber and timber products.

3097. "Producer" means any person engaged within this State in growing for market any agricultural commodity.

3098. "Handler" means any person engaged in handling an agricultural commodity.

3099. "To handle" means to market in intrastate commerce, any agricultural commodity, excepting the marketing of any agricultural commodity by a producer thereof to another person for the purpose of grading, processing, packing, or otherwise preparing such agricultural commodity for movement into the channels of trade.

3100. "Marketing order" or "order" means an order issued by the director, pursuant to this chapter, governing the handling of any agricultural commodity within this State.

3101. "Marketing agreement" or "agreement" means an agreement entered into by the director as provided in this chapter with persons engaged in transactions of intrastate commerce within this State in the handling of any agricultural commodity and governing the handling of such commodity.

3102. "Intrastate commerce" means all commerce other than that which is in the current of interstate or foreign commerce or which directly burdens, affects or obstructs interstate or foreign commerce.

3103. "Federated nonprofit agricultural cooperative marketing association" means a nonprofit agricultural cooperative marketing association whose members are in whole or in part either:

(1) Nonprofit agricultural cooperative marketing associations of producers, or persons representing such associations.

(2) Nonprofit cooperative agricultural marketing associations whose members are nonprofit agricultural cooperative marketing associations or persons representing such associations.

Article 4. Application of Chapter

Applicability

3125. This chapter applies only to those agricultural commodities, the movement of which into interstate commerce is regulated or controlled by marketing agreements or marketing orders executed or issued under laws of the United States.

Article 5. Administration

Director's powers

3145. Subject to the provisions of this chapter, the director may enter into agreements with, issue orders to, and enforce the provisions of agreements or orders upon, persons engaged in transactions of intrastate commerce within this State in the handling of any agricultural commodity.

3146. The director may, with respect to any given commodity, either execute an agreement without issuing an order, issue an order without executing an agreement, or may both issue an order and execute an agreement.

3147. For the purpose of carrying out the terms of this chapter the director may hold hearings, take testimony, administer oaths, subpena witnesses and issue subpenas for the production of relevant books, records or documents of any kind.

Self-incrimination

3148. No person shall be excused from attending and testifying or from producing documentary evidence before the director in obedience to the subpena of the director on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may be so required to testify, or produce evidence, documentary or otherwise, before the director in obedience to a subpena issued by him, except that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Rules and regulations

3149. The director may adopt and enforce all rules and regulations necessary or desirable to carry out the provisions of this chapter and not inconsistent with law. Every general rule or regulation of the director shall be posted for public inspection in the main office of the director and in the Office of the Secretary of State at least three days before it becomes effective, and shall be given such further publicity, by advertisement in a newspaper of general circulation in the territory affected by the issuance of the rule or regulation, or otherwise as the director deems advisable.

Copy of rule, etc., to person named therein

3150. A rule or regulation applying only to persons named therein shall be served on the persons affected by either:

(1) Personal delivery of a certified copy.

(2) Mailing a certified copy in a sealed envelope with postage prepaid to each natural person or in the case of a corporation in like manner to any officer or agent. Compliance with these provisions shall constitute sufficient notice to all persons affected by the rule or regulation. The director shall upon request mail a copy to any person affected by any general rule or regulation and may charge a reasonable fee therefor.

Cooperation with United States other states

3151. The director may confer and cooperate with the legally constituted authorities of other states and of the United States, in order to secure uniformity in the administration of federal and state marketing agreements, statutes, or orders and in the regulations thereby prescribed. The director may conduct hearings jointly with the Secretary of Agriculture of the United States, and may exercise his powers under this chapter to effect uniformity of administration and regulation not inconsistent with the provisions of this chapter.

Article 6. Notice, Hearing and Findings

Notice of hearing

3175. Whenever the director has reason to believe that the execution of an agreement or issuance of an order, or both, will tend to effectuate the declared policy of this chapter with respect to any agricultural commodity, he shall either upon his

own motion or upon application of any producer or handler of the commodity give due notice of and an opportunity for hearing upon a proposed agreement or order, or both.

Publication

3176. Notice shall be given by the director by publishing a notice of the hearing for a period of not less than five days in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. The hearing shall not be held prior to five days after the last day of the period of publication.

Copy mailed to those directly affected

3177. The director shall also mail a copy of the notice of hearing and a copy of the proposed agreement or order to the last known address of all handlers and producers directly affected by the agreement or order whose names appear upon the most recent list available for this purpose in the office of the director. Likewise, the notice shall be mailed to any person who has filed with the director a request for notice.

Publication

3178. In the event the director does not have on file an adequate list of those persons who may be directly affected by the provisions of any proposed order for any agricultural commodity and the quantity marketed by each, the director shall notify all handlers of the commodity by publication of a notice to file with the director within 10 days from the last date of publication of the notice a report properly certified showing:

(a) The correct name and address of the handler.

(b) The quantities of the agricultural commodity, affected by the proposed order, handled by the handler in the marketing season next preceding the filing of the report.

(c) The correct names and addresses of all producers of the agricultural commodity, who may be directly affected by the provisions of the proposed order, from whom the handler received the agricultural commodity in the marketing season next preceding the filing of the report.

(d) The quantities of the agricultural commodity received by the handler from each producer in the marketing season next preceding the filing of the report.

Newspaper publication, etc., of notice to file

3179. The notice to handlers requiring them to file the report shall be published by the director for a period of not less than five days in a newspaper of general circulation published in the capital of the State and in such other newspapers as the director may prescribe. The director shall also mail a copy of the notice to file the report to all handlers known to be directly affected or likely to be directly affected thereby whose names and addresses appear upon lists submitted to the department or prepared by the department for that purpose from currently available information. Each handler of the agricultural commodity, directly affected by the provisions of the proposed agreement or order shall file the report with the director within the time specified. Failure or refusal of any handler to file the report shall not invalidate any proceedings taken or order issued. The director shall proceed upon the basis of such information and reports as may otherwise be available.

3180. From the reports filed and the information received or available to the director, including any proper corrections, the director shall prepare a list of the names and addresses of such producers and the volume of such commodity produced or marketed by all the producers and a list of the names and addresses of the handlers and the volume of the commodity handled by all the handlers, directly affected by the provisions of the proposed order in the preceding marketing season. The lists shall constitute complete and conclusive lists for use in any finding made by the director pursuant to the provisions of Article 9 of this chapter and the findings shall be conclusive. Lists to be prepared

3181. Any public hearing upon a proposed order shall be held within the State. At the hearing the director shall receive and hear the evidence offered by any interested person in support of or in opposition to the execution of the agreement or the issuance of the order. All evidence and exhibits used by the director or introduced at the hearing shall within a reasonable time be available at a central point to all interested parties. The hearings may be adjourned from time to time and from place to place in the discretion of the director. A transcript of the proceedings at the hearings shall be made by the director and shall be open for inspection by any interested party. Hearing

3182. The information contained in the individual reports of handlers filed with the director pursuant to the provisions of this article shall not be made public by the director in such form but the information contained in the reports may be prepared in combined form for use by the director, his agents, or other interested persons, in the formulation, administration and enforcement of an order, or may be made available pursuant to court order, but shall not be made available to any one for private purposes. Information not public

3183. With respect to an agreement or order containing provisions for correlating the supply of the agricultural commodity with market demand therefor by restricting and allocating the total quantity of the commodity which may be marketed during any marketing season and which restricted portion of the commodity might otherwise be marketed in compliance with other laws of this State or of the United States, the director shall not issue such agreement or order for the written assent of producers or handlers unless he finds after public hearing that all of the following are true: Restriction of commodity to be marketed

(a) The supply of the commodity available for marketing exceeds or is likely to exceed the demand therefor at prices which will provide a reasonable return to producers of the commodity.

(b) The return to producers of the commodity will tend to be increased through the operation of the proposed marketing plan.

(c) The proposed agreement or order may be administered without permitting unreasonable profits to producers of the commodity and without unreasonably enhancing prices of the commodity to consumers.

(d) The proposed agreement or order will tend to prevent disorderly marketing of agricultural products within the State.

(e) The proposed agreement or order will tend to provide consumers with a more stable and adequate supply of agricultural commodities.

(f) The proposed agreement or order will tend to establish or maintain such relationship between the quantity of the particular agricultural commodity marketed and the demands of the market for the commodity as will tend to continue in production such volume of the commodity as is probable will be needed over a reasonably long period of time to supply the requirements of the commodity and to provide an adequate standard of living to the farm operator and his family.

Provisions regulating flow of commodity without restricting total quantity, etc

3184. If the agreement or order contains provisions only for the purpose of regulating the flow of the commodity or any grade, size or condition thereof to market without directly restricting the total quantity which may be marketed during the marketing season or if the order contains provisions only for the establishment of grade classifications or minimum grade, size, quality or condition specifications and uniform grading and inspection for the purpose of improving the quality of the product marketed, or the elimination of unfair trade practices, the director may issue such order if he finds all the following are true:

(a) That the order is reasonably calculated to attain the objectives sought in the order.

(b) That the order is in conformity with the provisions of this chapter and will tend to effectuate the declared purposes and policies of this chapter.

(c) That the interests of consumers of the commodity are protected in that the powers of this chapter are being exercised only to the extent necessary to attain such objectives.

Article 7. Terms of Marketing Agreements and Orders

Terms and conditions

3205. In addition to the requirements of Section 3206, agreements executed and orders issued pursuant to this chapter shall contain one or more of the terms and conditions specified in Sections 3207 to 3214, inclusive, or 3216 and may also contain terms and conditions provided for in Sections 3215 and 3217, but may contain no other terms and conditions.

Committees

3206. Agreements executed and orders issued shall provide for the selection by the director, or a method for the selection by the director, of an administrative committee or committees and defining their powers and duties.

Limitations

3207. Agreements or orders may limit or provide methods for the limitation of the total quantity of any agricultural commodity, or of any grade, size or quality thereof, which may be marketed, or transported to market, in intrastate commerce during any specified periods, by all handlers thereof.

Allotments Purchases, etc.

3208 Agreements or orders may allot or provide methods for allotting, the amount of any commodity, or any grade, size, or quality thereof, which each handler may purchase from, or

handle on behalf of, any and all producers thereof, in intrastate commerce, during any specified periods, under a uniform rule based upon the amounts produced or sold by the producers in such prior period as the director determines to be representative, or upon the current production or sales of the producers, or both, to the end that the total quantity to be so purchased or handled during any specified periods shall be apportioned equitably among current producers.

Transportation to market

3209. Agreements or orders may allot or provide methods for allotting, the amount of any commodity, or any grade, size or quality thereof, which each handler may market or transport to market, in intrastate commerce, during any specified periods, under a uniform rule based upon the amounts of the commodity, or any grade, size or quality thereof, which each handler has available for current shipment, or upon the amounts shipped by each handler in such prior period as the director determines to be representative, or both, to the end that the total quantity of the commodity, or any grade, size, or quality thereof, to be marketed or transported to market in intrastate commerce during any specified periods shall be equitably apportioned among all of the handlers thereof.

Surplus

3210. Agreements or orders may determine or provide methods for determining, the existence and extent of the surplus of any commodity or product, or of any grade, size, or quality thereof, and provide for the control and disposition of the surplus but so as not to burden or obstruct interstate or foreign commerce in the commodity, and for equalizing the burden of the surplus elimination or control among the producers and handlers thereof.

Surplus pools, etc

3211 Agreements or orders may establish or provide for the establishment of, reserve or surplus pools of any commodity or of any grade, size, or quality thereof, or the representative value of the commodity or of any grade, size, or quality thereof, and provide for the equitable distribution of the net return derived from the sale thereof among the persons beneficially interested therein.

Uniform grading standards

3212. Agreements or orders may establish uniform grading standards of quality, condition, appearance, size or pack for any commodity and provide for the grading and inspection and regulation of handling of the commodity in accordance with the grading standards established The grading standards for any commodity shall not be established below any minimum standards prescribed by law for the commodity.

Limitation on handling

3213. Agreements or orders may limit or provide methods for the limitation of, the periods in which handlers may engage in handling any agricultural commodity or variety thereof.

Liquidated damages

3214. Agreements or orders may determine or provide methods for determining in any agreement the amount which any signatory violating any of the provisions of the agreement may be required to pay to other signatories as liquidated damages for the violation.

Unfair competition, etc.

3215. Agreements or orders may prohibit unfair methods of competition and unfair trade practices in the handling of agricultural commodities regulated by the agreements or orders.

Adjustment of commercial production

3216. Agreements or orders may provide for a program to adjust the commercial production of any agricultural commodity by means of tree or vine removal, including methods for financing the program by the acceptance of federal or state funds available for this purpose or by levying a uniform assessment upon all production or marketing subject to the agreement or order, or by both methods, and for the disbursement of the funds so obtained to those growers who qualify for payments under the program.

Tree or vine removal

Tree or vine removal under the program is voluntary and a grower is qualified to receive payment who, upon application to the administrative committee selected pursuant to this chapter and approval of the application, removes trees or vines as specified in the program and otherwise conforms with its provisions. Each application shall be considered and approved or disapproved in whole or in part, within the limits of the funds available, so as most effectively to accomplish the purpose of the program.

No program of production adjustment under this chapter shall authorize payments for the removal of trees or vines of the species or variety specified in the program which have averaged during the three immediately preceding years an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species or variety for the State as a whole, such yields and averages to be determined by the administrative committee from official federal and state statistical data or such other sources as are deemed by it to be competent and reliable. All actions of the administrative committee under the program shall be subject to review and approval or disapproval of the director.

Other terms

3217. Agreements or orders may contain any other terms and conditions incidental to, and not inconsistent with, the terms and conditions specified in this article and necessary to effectuate the other provisions of the agreement or order.

Article 8. Administrative Committees

Powers and duties of administrative committees

3240. The exercise of the powers and duties of administrative committees is subject to veto by the director and shall be limited to the powers and duties specified in this article.

3241 An administrative committee may administer the agreement or order in accordance with its provisions.

3242. An administrative committee may make rules and regulations to effectuate the provisions of the agreement or order.

3243. An administrative committee may receive, investigate and report to the director, complaints of violations of the agreement or order.

3244. An administrative committee may recommend to the director amendments to the agreement or order.

3245. An administrative committee may recommend to the director for each marketing season the establishment of a rate of assessment based upon a budget reasonably calculated to provide adequate funds to defray expenses of the committee and the director in the formulation, issuance, administration and enforcement of any agreement, order, or amendments.

Assessment rate

3246. If the director finds that the rate of assessment recommended by the committee is calculated to provide an amount of money reasonably necessary to carry out the purposes and objectives of the agreement or order and of this chapter, he shall establish that rate of assessment applicable on a uniform basis to all handlers directly affected.

Collection, expenditure of assessment payments

3247. The committee shall collect assessment payments from each handler based upon the rate of assessment and expend the funds subject to an accounting. From time to time as may be required by the director, the committee shall advance to the department such sums as may be required by the department in the administration and enforcement of the agreement or order.

Refund

3248. If at the close of a marketing season the committee finds that unexpended balances are sufficient to warrant a refund, the refund shall be made within a reasonable time on a pro rata basis to handlers in accordance with assessments collected during the marketing season.

Nominal assessment

3249. During seasons when the agreement or order is not in active operation the committee may recommend and the director may establish a nominal rate of assessment for the maintenance of administrative personnel and facilities if there is reason to believe that such personnel and facilities may be needed during the subsequent marketing season.

Article 9. Assent to Marketing Orders

Order effective

3270 No order issued pursuant to this chapter shall become effective until both the following have occurred:

(a) Handlers, who, during a representative period determined by the director, handled not less than 65 percent of the volume of the commodity regulated by the order, or not less than 65 percent of the number of handlers, who, during a representative period determined by the director, were engaged in handling the commodity, have assented thereto in writing.

(b) The director determines that the issuance of the order is approved or favored by at least 65 percent of the producers who, during a representative period determined by the director, have been engaged in the production for market of the commodity regulated by the order, or by producers who, during the representative period, have produced for market at least 65 percent of the volume of the commodity produced for market and regulated by the order.

Representative period

3271. The representative period may be determined by the director to be the next preceding crop season prior to the holding of the hearing, or may be such other representative period as the director may determine.

Nonprofit agricultural marketing association

3272. In the determination of whether the issuance of the order is approved or favored pursuant to the provisions of this article, the director shall consider the approval or disapproval by any nonprofit agricultural cooperative marketing association, either federated or nonfederated, which is engaged in the marketing of the commodity covered by the order, as the approval or disapproval of the producers who are members of, stockholders in, or under contract with the nonprofit agricultural cooperative marketing association either directly, or indirectly through affiliates federated together as provided in Section 3103.

3273. The approval, when executed by a nonprofit cooperative marketing association may be executed in the name of the association and shall set forth the names of the producers on whose behalf the approval or assent is given.

Article 10. Persons Affected and Notice

Class affected

3295. Whenever an order is issued to any member of a class of persons, an identical order shall be issued to all members of the same class of persons.

Notice on public bulletin board

3296. Upon the issuance of any order or amendment of an order a notice shall be posted on a public bulletin board to be maintained by the director in his office and a copy shall be published in a newspaper of general circulation published in the capital of the State and in such other papers as the director may prescribe. No order or amendment shall become effective until five days after posting and publication.

Copy to all names on file

3297. The director shall mail a copy of the notice of the order to all known persons subject thereto whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for notice.

Article 11. Termination, Suspension, or Amendment

Termination, suspension, etc

3320. Whenever, upon his own investigation, or otherwise, the director finds that any agreement or order or any provision thereof obstructs or does not tend to effectuate the declared policy of this chapter, he shall terminate, or suspend for a specified period, the operation of the agreement, or order, or provision.

3321. If the director finds that the termination of any order or agreement is favored by a majority of the producers who, during such representative period determined by the director, have been engaged in the production within the State for marketing of the commodity specified in the agreement or order, and who during the representative period, produced for market more than 50 percent of the volume of the commodity produced for market within the State, or produced within the State for marketing elsewhere, the director may, if he finds the agreement or order then obstructs or does not tend to carry out the

declared policy of this chapter, terminate, or suspend for a specified period, the agreement or order or any provision thereof, but the termination shall be effective only if announced on or before such date (prior to the end of the then current marketing period) as may be specified in the agreement or order.

Amendments

3322. Whenever the director has reason to believe that an amendment of any agreement or order is necessary or desirable in order to effectuate the policy of this chapter, he shall call a hearing upon the amendment. The hearing shall be held in the same manner and upon the same notice as upon an original agreement or order. The notice of hearing shall refer by name and date of execution or issuance to the agreement or order, or both, to which the amendment is proposed. At the hearing the director shall receive and hear evidence offered for and against the proposed amendment by any interested person.

Hearing Amendment executed

3323. If upon the hearing upon the proposed amendment it is found by the director that the following facts actually exist he shall make written findings to that effect and execute the amendment to the agreement or issue the amendment to the order, or both:

(a) The proposed amendment will not prevent the agreement and order, or either, from meeting the requirements of Sections 3183 or 3184.

(b) The amendment will tend to facilitate the administration of the agreement and order, or will enable the agreement and order to better meet the requirements of Sections 3183 or 3184.

If the director finds against the existence of any of the facts required to be present under this section, he shall not execute the amendment to the agreement or issue the amendment to the order. The findings, if against the existence of any such facts, shall in no way impair or affect the agreement or order to which the amendment was proposed.

Evidence

3324. In considering the amendment, the director shall take into consideration the evidence presented at the original hearing on the agreement or order to which the amendment is proposed and upon any prior amendment.

Effective date

3325. No amendment to any agreement shall be effective as to any signatory, until approved in writing by that signatory If not approved by the signatory within 10 days after its issuance by the director, the signatory is no longer a party to the agreement.

Manner of approval

3326. No amendment to an order shall be effective until approved in the same manner as required by Article 9 of this chapter for the original order to which the amendment was proposed.

Article 12. Records

Books and records

3350. All persons subject to an agreement or order under this chapter shall maintain books and records reflecting their operations under the agreement or order and shall furnish to

the director, or his duly authorized representatives, such information as may be requested by them relating to operations under the agreement or order, and shall permit the inspection by the director, or his duly authorized representatives, of such portions of such books and records as relate to operations under the agreement or order.

Information confidential

3351. Information obtained by any person under this article is confidential and shall not be disclosed to any other person except in a court proceeding under this chapter, or to a person with like right to obtain such information, or any attorney representing the State or an administrative agency created by this chapter, in connection with the execution or enforcement of this chapter or any agreement or order issued under this chapter.

Article 13. Fees and Assessments

Fee, etc., personal debt

3375. Any assessment or fee levied pursuant to any agreement or order, in accordance with Sections 3245, 3246, and 3247, constitutes a personal debt of every person assessed and is immediately due and payable to the administrative agency charged with its collection. The agency may in its own name, with the approval of the director, bring an action for its collection.

Use of fees, etc

3376. Any funds collected by the administrative agency from the levying of fees and assessments shall be used for the purpose set forth in the agreement or order under which it was collected. A full and complete record thereof shall be kept to which the director may have access at any time, and a report of the activities and proceedings shall be filed with the director from time to time as the director may require.

Filing fee, deposit

3377. Every application for an agreement and order submitted to the director for approval shall be accompanied by a filing fee of one hundred dollars ($100) and a deposit from the applicant in such amount as the director may deem necessary to defray the expenses of preparing and making effective the agreement and order. The director shall thereafter require the appropriate board charged with the collection of funds for expenses, to deposit monthly with the department the amount deemed sufficient by the director to defray the actual expenses incurred during the subsequent month by the department in the administration and enforcement of any agreement or order.

Report

3378. Within 30 days prior to each general session of the Legislature, the director shall submit to the Governor a full report of transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period and shall submit quarterly to the administrative agency under each agreement or order a complete statement of receipts and expenditures in connection with each agreement or order during the quarter.

Gifts

3379. The director may receive from any source, money or other value for services rendered, or as a gift, for carrying out the purposes of this chapter.

3380. Any money received by the director under this chapter shall be deposited in the Department of Agriculture Fund and shall be available for expenditure by the director in carrying out the provisions of this chapter. Department of Agriculture Fund

Article 14. Violations

3400. The violation of any provision of any agreement or order is a misdemeanor punishable by a fine of not less than fifty dollars ($50) or more than five hundred dollars ($500), or by imprisonment of not less than 10 days or more than six months, or by both. Each day during which any of the violations continue constitutes a separate offense. Penalties

3401. Any person who violates any provision of this chapter or any order, or who violates any rule or regulation issued by the director pursuant to the provisions of this chapter or any order shall be liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each violation. Civil liability

3402. Any person exceeding any quota, allotment, or salable percentage fixed for him under any agreement or order or any amendment thereto, or any rule or regulation thereunder, or who shall make any shipment without first obtaining a required allotment or quota or qualifying to ship his salable percentage, or any other person knowingly participating or aiding in so doing is civilly liable to the State in a sum equal to three times the current market value of any excess or shipment, such sum to be recoverable in a civil suit, brought in the name of the State or in the name of the administrative agency under the particular agreement or order involved. Any administrative agency under any agreement or order may, with the approval of the director, bring such a suit. The funds so collected shall be used in the administration of the particular agreement or order.

3403. The Attorney General, or any district attorney, may, upon his own initiative, and shall upon complaint of any person, if after investigation he believes a violation to have occurred, bring an action in the name of the people in the superior court for an injunction against any person violating any provisions of any agreement or order, or rule or regulation thereunder, to which he is subject. Injunctions

3404. In any action brought to enforce any of the provisions of this chapter, as provided in this article:

(a) Upon compliance with Section 527 of the Code of Civil Procedure, the court may issue a temporary restraining order and preliminary injunction as in other actions for injunctive relief and upon the trial of the action, if judgment is in favor of plaintiff, the court shall permanently enjoin defendant from further violations. Temporary restraining orders, preliminary injunctions

(b) The judgment, if in favor of the plaintiff, shall provide that the defendant pay to the plaintiff a reasonable attorney's fee and any and all costs of suit. Attorney's fees and costs

Venue

(c) Any such action may be commenced either in the county where any defendant resides, or where any act or omission or part thereof complained of occurred.

Penalties, etc., concurrent

3405. The penalties and remedies prescribed in this chapter with regard to any violation are concurrent and not exclusive, and either singly or combined are cumulative with any other civil, criminal or administrative rights, remedies, forfeitures or penalties provided by law.

Complete defense

3406. In any civil or criminal action or proceeding for violation of the Cartwright Act (Chapter 2, Part 2, Division 7, of the Business and Professions Code), the Unfair Practices Act (Chapter 4, Part 2, Division 7, of the Business and Professions Code), the Fair Trade Act (Chapter 3, Part 2, Division 7, of the Business and Professions Code), Section 1873 of the Civil Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with this chapter or an agreement or order under this chapter and in furtherance of the purposes and provisions of the chapter, shall be a complete defense.

Individual responsibility

3407. The members or employees of any administrative agency or any other board, committee, authority or body created pursuant to an agreement or order issued pursuant to this chapter shall not be held responsible individually in any way whatsoever to any handler or producer or any other person for error in judgment, mistake or other acts either of commission or omission as such member or employee except for their own individual acts of dishonesty, and no member or employee shall be held responsible individually for any act or omission of any other member of any such administrative agency, board, committee, authority or body.

Common carriers

3408. A common carrier, as such, shall not be criminally or civilly liable under this act for violation by a consignor or consignee, where the carrier accepts a shipment of an agricultural commodity without knowledge of the unlawful character of the shipment and keeps a record of every such shipment within or from this State showing the date of shipment, character and quantity of shipment, origin and destination of shipment, and the names of the consignor and consignee. Such records shall be open to inspection at all reasonable hours by or on the written order of the director.

Repeal

SEC. 2. Chapter 516 of the Statutes of 1943 is repealed.

Severability clause

SEC. 3. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite the fact that one or more sections, sentences, clauses or parts thereof be declared unconstitutional.

CHAPTER 191

An act to codify Chapter 1679 of the Statutes of 1951, relating to the regulation of shorthand reporting, by adding Section 30047 and Chapter 13, Division 3, to the Business and Professions Code, and repealing Chapter 1679 of the Statutes of 1951.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 13 is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 13. SHORTHAND REPORTERS

Article 1. Administration

Board of Examiners of Shorthand Reporters

8000. There is in the Department of Professional and Vocational Standards a Board of Examiners of Shorthand Reporters, which consists of five members appointed by the Governor, two of whom shall be active members of the State Bar of California and three of whom shall be holders of certificates issued under this chapter.

Terms

8001. Members of the board shall be appointed for terms of three years and they shall hold office until the appointment and qualification of their successors.

Of the members first appointed under this chapter the terms of two members shall expire on December 31, 1952, and the terms of three members shall expire on December 31, 1953.

Vacancies occurring shall be filled by appointment for the unexpired term.

Compensation and expenses

8002. Members of the board shall serve without compensation, but shall be reimbursed for their necessary expenses incurred in the performance of their duties, not to exceed three hundred dollars ($300) per member annually

Organization, etc.

8003. Within 30 days after appointment of the first board and at each yearly meeting thereafter a chairman and treasurer shall be elected from the membership of the board. Three members shall constitute a quorum for the transaction of business. The board shall keep a complete record of all its proceedings and shall report annually to the Governor, on or before the first day of December, all certificates issued, renewed, or revoked, together with a detailed statement of receipts and disbursements.

Expenses

8004. The expenses of the members of the board and the expenses of the board that are necessary to carry out the provisions of this chapter shall be paid from the fees collected under this chapter and such expenses shall not exceed the amount so collected.

Executive functions of board

8005. The board is charged with the executive functions necessary for effectuating the purposes of this chapter. It may appoint such committees as it deems necessary or proper, and

the board may appoint, prescribe the duties, and fix the salary, which in no event shall exceed two thousand dollars ($2,000) per annum, of an executive secretary, who may be employed on a part-time basis. The board may also employ such other employees as may be necessary, subject to civil service and other provisions of law.

Scope of activity

8006. The board may aid in all matters pertaining to the advancement of the science of shorthand reporting, as defined in this chapter, including but not limited to all matters that may advance the professional interests of certified shorthand reporters, and such matters as concern their relations with the public.

Powers and duties

8007. The board shall:

(a) Determine the qualifications of persons applying for certificates under this chapter.

(b) Make rules for the examination of applicants and the issuing of certificates provided for in this chapter.

(c) Grant certificates to such applicants as may, upon examination, be qualified in professional shorthand reporting and in such other subjects as the board may deem advisable.

8008. The board also has the following powers and duties:

(a) To adopt a seal which shall be affixed to all certificates issued by the board.

(b) By affirmative vote of at least four members of the board, to suspend or revoke a certificate, for any cause specified in this chapter.

(c) To charge and collect from all applicants for certificates the fees provided for in this chapter.

(d) To require the annual renewal of all such certificates and to collect therefor the renewal fee prescribed by this chapter or such lesser amount as may be fixed by the board.

(e) To issue subpenas, to administer oaths, and to take testimony concerning any matter within the jurisdiction of the board.

Disciplinary proceedings

8009. Disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

Article 2. Application of Chapter

Purpose of chapter

8015. This chapter is designed to encourage proficiency in the practice of shorthand reporting as a profession; to promote efficiency in court and general reporting, and to extend to the courts and to the public the protection afforded by a standardized profession by establishing a standard of competency for those engaged in it.

Certificate necessary

8016. From and after September 22, 1951, no person shall engage in the practice of shorthand reporting as defined in this chapter, unless such person is the holder of a certificate in full force and effect issued by the board. This section does not apply to a salaried, full-time employee of a district attorney or of any department or agency of the State who is employed as a hearing

reporter. Nothing in this chapter shall be construed to prohibit the employment of any person not holding a certificate until a certified shorthand reporter is available.

A violation of any provision of this section is a misdemeanor. Penalty

8017. The practice of shorthand reporting is defined as the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record of any oral court proceeding, deposition, or proceedings before any grand jury, referee, or court commissioner. "Practice of shorthand reporting"

8018. Any person holding a valid certificate as a shorthand reporter, as provided in this chapter, shall be styled and known as a "certified shorthand reporter." No other person shall assume or use the title "certified shorthand reporter," or the abbreviation "C.S.R.", or any words, letters or figures to indicate that the person using the same is a certified shorthand reporter. "Certified shorthand reporter"

Article 3. Certificates

8020. Any citizen of the United States over the age of 21 years, of good moral character, being a graduate of high school, and a bona fide resident of this State for at least six months prior to the date of his application and continuing to and including the date of his admission, who has satisfactorily passed an examination under such regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. Qualifications

8021. Examinations shall be held at least semiannually, and at such times and places as the board may designate. Examinations

8022. Each applicant for a certificate under this chapter shall file an application with the executive secretary of the board at least 10 days before the date fixed for examination accompanied by the required fee. Applications

8023. No certificate shall be issued until the applicant has passed the examination prescribed by the board except that any person who applies for a certificate on or before March 22, 1952 who, at the time of filing his application had been a practicing shorthand reporter in this State for three years, or had prior thereto successfully passed the examination provided for in Section 270 of the Code of Civil Procedure, may file proof of such facts with his application, and the board shall accept such proof and evidence in lieu of an examination and shall grant a certificate to the applicant. Examinations. Exceptions

8024. The failure, neglect, or refusal of any certified shorthand reporter to pay in advance the annual renewal fee as may be fixed by the board as necessary to defray the expense of administering the provision of this chapter shall suspend the reporter's right to the benefits under this chapter, which suspension shall not be terminated until all delinquent fees have been paid. Failure to pay annual renewal fee

8025. A certificate issued under this chapter may be suspended or revoked for one or more of the following causes: Suspension, revocation

(a) Conviction of a felony or a misdemeanor involving moral turpitude.

(b) Fraud or misrepresentation resorted to in obtaining a certificate hereunder.

(c) Fraud, dishonesty, corruption, wilful violation of duty gross incompetency in practice, unprofessional conduct.

Article 4. Revenue

Fees and revenues

8030. All fees and other revenues received by the board shall be reported promptly to the State Controller and shall be deposited with the State Treasurer to be placed in the Shorthand Reporters' Fund, which fund is continued in existence in the State Treasury and is appropriated to carry out the provisions of this chapter.

8031. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for application for a certificate is twenty-five dollars ($25).

(b) The annual renewal fee is twenty dollars ($20) or such lesser amount as may be fixed by the board.

No refunds: re-examination

8032 In no case shall an applicant's fee be refunded, but the applicant may be re-examined once within 18 months from the date of his application without the payment of an additional fee.

SEC. 2. Section 30047 is added to the Business and Professions Code, to read:

Repeals

30047. The following acts and parts of acts together with all acts amendatory thereof and supplementary thereto are repealed:

GENERAL LAWS

Year	Chapter	Page
1951	1679	3870

CHAPTER 192

An act to codify certain statutes, relating to public ways and appurtenances thereto, by adding Section 194.1 to the Streets and Highways Code, amending the heading of Division 3 of said code, adding Chapter 5 to Division 3 of said code, adding Division 12 to said code, adding Part 4 to Division 18 of said code, and to repeal certain acts specified herein.

In effect September 9, 1953

[Approved by Governor April 13, 1953. Filed with Secretary of State April 14, 1953.]

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

SECTION 1. Section 194 1 is added to the Streets and Highways Code, to read:

194.1. Any city or city and county whose population has been increased substantially since the last federal census may apply to the United States Bureau of Census to determine the increase in population. Upon receipt from the bureau of its determination of population, the city or city and county shall file a certified copy of the determination with the department and the Controller.

Application for determination of population

All allocations under Section 194 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the determination shall be based upon the population so determined. The respective departments in making the computations required by these sections shall add to the total population of all cities and cities and counties all increases of population shown by the determination over the population of the last federal census. For the purposes of this paragraph, a written or telegraphic certification from the Director of the Census to the department and the Controller of the determination of population may be accepted by the department and the Controller in lieu of the filing by the city or city and county of the certified copy of the determination

Payments based on population

The cost of any investigation by the United States Bureau of Census is a proper charge against the city or city and county applying therefor and shall be paid by it to the bureau.

Cost of investigation

This section does not apply to counties.

Counties excepted

SEC. 2. The heading of Division 3 of said code is amended to read:

DIVISION 3. APPORTIONMENT AND EXPENDITURE OF HIGHWAY FUNDS

SEC. 3. Chapter 5, comprising Sections 2200 to 2214, inclusive, is added to Division 3 of said code, to read:

CHAPTER 5. FEDERAL AID FOR SECONDARY HIGHWAYS

2200. This chapter may be cited as the Secondary Highways Act of 1951.

Short title

2201. Congress has enacted the Federal-Aid Highway Act of 1950 in which federal appropriations have been authorized for projects on secondary roads of various types By apportionment of the authorization made pursuant to the federal act, it is anticipated that substantial sums will be made available for expenditures on such roads in California. The apportionment to California is to be made available for expenditure on either state highways or county highways which qualify under the federal law. County highways throughout the State are in greater need of such expenditures than are state highways on the Federal-Aid Secondary System. It is therefore, determined by the Legislature that, insofar as permissible under federal law, rules, and regulations, at least eighty-seven and one-half

Legislative findings

percent (87½%) of the money apportioned to California for such projects as are mentioned in paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 should be expended for the improvement of county highways in this State.

Procedure

2202. While this chapter by its terms applies only to the funds made available by the Federal-Aid Highway Act of 1950, the same provisions and procedure shall be followed as to past unobligated and future federal-aid appropriations for federal-aid secondary highways where such appropriations are made on substantially the same basis of apportionment as those made pursuant to the Federal-Aid Highway Act of 1950.

Definitions

2203. As used in this chapter, "county highway" means county highway as defined by Section 25, which is on the system of secondary and feeder roads as defined by the Federal-Aid Highway Act of 1944, as amended by the Federal-Aid Highway Act of 1948, and by the Federal-Aid Highway Act of 1950.

2204. As used in this chapter, "county" does not include a city and county.

2205. As used in this chapter, "construction" means construction as defined by the Federal-Aid Highway Act of 1944, as amended and supplemented.

2206. As used in this chapter, "match" means to provide for the payment of the cost of any project to the extent that such cost is not to be paid from federal funds.

Not to change county highway into state highway

2207. The provisions of this chapter or any action taken pursuant to it, including construction on any county highway, shall not be deemed to change the status of any county highway into that of a state highway notwithstanding any other provision of law.

State interest

2208. It is in the interest of the State and its counties that at least eighty-seven and one-half percent (87½%) of the money available for construction of highways in this State pursuant to the provisions of paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 be apportioned for expenditure among the counties in the manner and in accordance with the formula prescribed in subdivision (b) of Section 4 of the Federal-Aid Highway Act of 1944 for apportionment among the states, except that the census figures used in making such apportionments shall be those shown by the latest available federal census.

Recommend projects

2209. The department through the commission, the director, and the State Highway Engineer, in their respective jurisdictions, shall in behalf of the State and the counties recommend such projects and take such other action within the powers conferred on it by law as to comply with Section 2207 and the other provisions of this chapter as fully as applicable federal laws, rules, or regulations permit.

Cooperative agreements, etc

2210. The boards of supervisors of the several counties and the department shall enter into cooperative agreements and do all other things necessary and proper in their respective jurisdictions to secure federal aid for construction of county highways in accordance with the intent of this chapter.

2211. The department shall notify each county on July 5, 1951, or as soon thereafter as possible of the amount of money to be available for expenditure in the county from the federal apportionment.

Notification to counties

After receiving notice of apportionment from the department, each county shall have 60 days in which to notify the State Highway Engineer as to what amount of the apportionment the county wishes to claim and to agree to provide matching funds therefor. The counties, in cooperation with the department, shall thereafter select projects in conformance with the Federal-Aid Highway Act of 1950. The counties shall prepare plans, specifications, and estimates of cost for construction of the projects. The projects shall be advertised for each successive fiscal year's funds by October 1st, next succeeding the end of each fiscal year named in the Federal-Aid Highway Act of 1950.

Claims by counties

Projects

2212. Any savings or carry-over of funds for projects not advertised pursuant to Section 2211 may be permitted in an amount not to exceed twenty-five percent (25%) of the apportionment to the county for such fiscal year. A county may by agreement with the department combine the apportionment for two years for a single project.

Carry-overs, combining, etc.

2213. By agreement with the department a county may transfer all or part of the funds apportioned to it, and in its discretion matching funds, to a federal-aid secondary road project in either of the following:

Transfer to federal-aid secondary road project

(a) An adjoining county where the highway connects points in the two counties.

(b) A city in the same county.

2214 Federal-aid secondary funds apportioned to any county under Sections 2207-2209, inclusive, and not claimed or used as provided in Sections 2210-2212, inclusive, shall be expended upon federal-aid secondary projects upon the State Highway System in the county from which released and in the amount released by that county, to the extent that such may be done in conformity with federal law. The money apportioned by the State to match the unexpended balance of the federal aid in any county in accordance with this section shall be deemed an expenditure to meet the requirements of Section 188.4, and such expenditures shall be subject to Section 188. The federal funds so released by a county and expended pursuant to this section shall be exempt from Sections 188 and 188.4. As to any county in which there is no federal-aid secondary state highway, and funds are released by the county for expenditure by the State, such funds may be expended by the department on any federal-aid secondary state highway within the county group in which the county is situated as specified in Section 187.

Federal-aid secondary funds not claimed or used

SEC. 4. Division 12, comprising Sections 10000 to 10609, inclusive, is added to said code, to read:

DIVISION 12. THE MUNICIPAL IMPROVEMENT ACT OF 1913

CHAPTER 1. GENERAL PROVISIONS

Short title

10000. This division may be cited as the Municipal Improvement Act of 1913.

Definitions

10001. Unless the context otherwise requires, the definitions contained in this part shall govern the construction of this division.

10002. "Improvement" includes all work and improvements authorized to be done under this division.

10003. "Municipality" and "city" include every city, city and county, or county, or other entity, public corporation, or agency authorized to operate under this division.

10004. "Legislative body" includes any body which by law is the legislative department of government of the city, or municipality.

10005. "City treasurer" includes any person or officer who has charge and makes payments of the city or municipal funds.

10006. "Install" includes construct, reconstruct, extend, repair, and maintain.

10007. "Street" includes the whole or any part of one or more public streets, alleys, or other places in any municipality, and rights of way owned or held by any municipality for the purposes of this division.

10008. "Assessment district" means the district of land to be benefited by the improvement and to be specially assessed to pay the costs and expenses of the improvement and the damages caused by the improvement.

Applicability

10009. The provisions of this division apply to all counties and districts, or other public corporations insofar as such corporations have the power applicable to them to make any of the improvements authorized under this division. The officers of such counties, districts, or other public corporations who have similar powers and duties as the municipal officers referred to in this division have the powers and duties given by this division to such municipal officials. Where no similar officer exists, the legislative body of the county, district, or public corporation shall by resolution appoint a person or designate an officer to perform the duties under this division.

CHAPTER 2. IMPROVEMENTS AUTHORIZED

Authorized improvements

10100. Whenever the public interest or convenience requires, the legislative body of any municipality may install in or along its streets all or any of the following:

(a) Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service.

(b) Lines, conduits, and other necessary works and appliances for providing electric power service.

(c) Mains, pipes, and other necessary works and appliances for providing gas service.

(d) Poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes.

(e) Any works, utility, or appliances necessary or convenient for providing any other public service.

Acquisitions by legislative body

10101. The legislative body may acquire any works or appliances already installed in the streets, of the municipality which are necessary or convenient to supply the municipality or its inhabitants with water, electricity, gas, or other means of heat, illumination, power, or any other public service, and any plants, lands, and rights of way, whether located within or without the municipality, which are necessary or convenient for their use and operation, or may acquire the use of any such works, appliances, and other property. The legislative body may also acquire electric current, gas, or other illuminating agent for power or lighting service pursuant to this division.

10102. Whenever the public interest or convenience requires, the legislative body of any municipality may acquire or install any or all of the works and improvements mentioned in the Improvement Act of 1911 or other works and improvements of a local nature, and acquire by gift, purchase, or eminent domain proceedings land, rights of way, and easements necessary for such works and improvements.

Assessment provisions

10103. The provisions of the Improvement Act of 1911 providing for the construction of work and the levy of an assessment by a city within a county or by a county within a city, are incorporated in this division as if fully set out herein. Upon taking the proceedings provided in that act, a city may construct improvements and levy an assessment in a county or in another city, a county may construct improvements and levy an assessment within a city, and a public corporation may construct improvements outside of its boundaries either within a city or within a county. The consent required by that act shall be obtained before the recordation of the assessment.

Recordation of assessment

10104. When any proceeding is initiated under this division by a legislative body other than that of a city or county, the proposed assessment shall not be recorded until the consent by resolution of the legislative body of the city, where the land to be assessed lies within the corporate limits of any city, or of the county, where the land to be assessed lies within an unincorporated territory, is obtained.

Alternative procedure

10105. As an alternative procedure for constructing any improvement authorized under the Improvement Act of 1911, the legislative body may pass a resolution of intention to do such work, which shall contain a provision that the work shall be instituted when any local, state, or national agency or authority accepts the proposed work as a project for which a contribution of labor, or labor and any portion of materials, supplies, or equipment, will be made by such agency or authority.

10106. Under the alternative procedure the work to be done by the contractor shall consist of furnishing all or any part of

the labor, materials, supplies, and equipment necessary for the construction of the improvements or the work may be performed or the labor, materials, supplies, and equipment furnished in the same manner as provided in Chapter 6 of this division. Whenever the alternative procedure is adopted, the resolution shall recite that fact, state the name of the agency or authority which is to make the contribution, the contribution which is to be made, and the work to be done by the contractor or by the city. In all other particulars the resolution shall conform to the provisions of Chapter 3 of this division. Nothing in this section prevents the acceptance of contributions not mentioned in the resolution of intention for any improvements mentioned in this section, and for that purpose Section 5125 is incorporated as part of this division as if fully set out herein.

Incorporation of provisions

10107. The provisions of Chapter 26 of Part 3 of Division 7 of this code are incorporated in this division as if fully set out herein. These provisions may be used in combination with the other provisions of this division.

CHAPTER 3. RESOLUTION OF INTENTION AND REPORT

Resolution of intention

10200. Before ordering any improvement which is authorized by this division to be made, the legislative body shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, specifying the exterior boundaries of the assessment district, providing for the issuance of improvement bonds, if any bonds are to be issued, pursuant to Chapter 7, and providing for the disposal of any surplus remaining in the improvement fund after the completion of the improvement, as authorized in Section 10427.

Cost and expenses

10201 In the resolution of intention the legislative body may order that a specified portion or percentage of the cost and expenses of the improvement shall be paid out of the treasury of the municipality from such fund as the legislative body may designate.

Work includable

10202. The proposed improvement may include any or all of the different kinds of work mentioned in this division, but the maintenance of appliances or the furnishing of electric current, gas, or other illuminating agent shall be for a period stated in the resolution of intention not exceeding two years.

Reference to board, etc., having charge of improvements

10203. In the resolution of intention the legislative body shall refer the proposed improvement to the board, commission, or officer of the municipality having charge and control of the construction of public improvements of the kind described in the resolution, or to the city engineer, or to such other board or officer of the municipality, or competent person employed by the municipality for the purpose, as the legislative body may name in the resolution, and direct such board, commission, officer, or person to make and file with the clerk of the legislative body a report in writing.

Contents of report

10204. The report of the person or board to whom the improvement is referred by the legislative body shall contain:

(a) Plans and specifications of the proposed improvement if the improvement is not already installed.

(b) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvement, if the works, appliances, or property are to be acquired as part of the improvement.

(c) An estimate of the cost of the improvement and of the cost of lands, rights of way, easements, and incidental expenses in connection with the improvement.

(d) A diagram showing the assessment district and the boundaries and dimensions of the subdivisions of land within the district as they existed at the time of the passage of the resolution of intention. Each subdivision shall be given a separate number upon the diagram.

(e) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by such subdivisions, respectively, from the improvement. When any portion or percentage of the cost and expenses of the improvement is ordered to be paid out of the treasury of the municipality, pursuant to Section 10200, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the improvement, and the assessment upon property proposed in the report shall include only the remainder of the estimated cost and expenses. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this section.

Incorporation of provisions of Improvement Act of 1911

10205. The provisions of the Improvement Act of 1911 relating to contributions is incorporated in this division as if fully set out herein.

10206. The provisions of the Improvement Act of 1911 relating to assessments on publicly owned property and railroad property, are incorporated in this division as if fully set out herein.

10207. The provisions of Chapter 4 of Part 3 and the provisions of Part 4 of the Improvement Act of 1911 relating to grades are incorporated in this division as if fully set out herein.

10208. The exterior boundaries of the assessment district may be specified and described as provided in the Improvement Act of 1911.

CHAPTER 4. NOTICE, PROTEST, AND HEARING

Report to legislative body, etc

10300. When the report provided for in Sections 10203 and 10204 is filed with the clerk, he shall present it to the legislative body for consideration. The legislative body may modify it in any respect. The report as modified shall stand as the report for the purpose of all subsequent proceedings except that it may be confirmed, modified, or corrected as provided in this chapter.

Hearing of protests

10301. After passing on the report, the legislative body by resolution shall appoint a time and place for hearing protests

to the proposed improvement and shall direct the clerk of the legislative body to give notice of the hearing as provided in this chapter, and shall designate a daily or weekly newspaper published and circulated in the city in which the notice shall be published. The hearing shall be held not less than 30 days after the passage of the resolution.

Notices of passage of resolution

10302. After the passage of the resolution of intention, the filing of the report, and the setting of the time and place for hearing protests, the clerk of the legislative body shall cause notices of the passage of the resolution to be posted. The notices shall be posted conspicuously on all the open streets within the district, at not more than 300 feet apart on each street so posted, but not less than three in all.

10303. The notices shall:

(a) Be headed "notice of improvement," in letters of not less than one inch in height.

(b) In legible characters state the fact and date of passage of the resolution of intention, the filing of the report, and the time and place set for hearing of protests.

(c) Briefly describe the improvement proposed to be made or acquired.

(d) Refer to the resolution of intention and report for further particulars.

Publication in newspaper

10304. The clerk shall also cause a notice similar in substance to the notice described in Section 10303 to be published by two successive insertions in a daily or weekly newspaper published and circulated in the municipality, and designated by the legislative body for that purpose. The notices shall be posted and published at least 20 days before the date set for hearing of protests.

No proceeding invalid

10305. No proceeding shall be held invalid for failure to post any street or streets if Sections 10302, 10303, and 10304 have been substantially complied with.

Mailing of notices of adoption of the resolution of intention

10306. At least 20 days before the date set for hearing of protests, the clerk shall mail, postage prepaid, notices of the adoption of the resolution of intention and the filing of the report to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for city taxes or who are known to the clerk. The failure of the clerk to mail the notice to any property owner or the failure of any property owner to receive the notice shall not affect the validity of any proceedings taken under this division.

Contents of notice

10307. The notice shall contain:

(a) A statement of the time, place, and purpose of the hearing on the resolution of intention and report.

(b) A statement of the total estimated cost of the proposed improvement.

(c) The amount, as shown by the report, to be assessed against the particular parcel covered by the notice.

(d) A statement that any person interested may file a protest in writing as provided in this division.

10308. Upon the completion of the mailing of the notices, the clerk of the legislative body shall file with the legislative body an affidavit setting forth the time and manner of the compliance with the requirements of this chapter for publishing, posting, and mailing notices. Affidavit of compliance

10309. If no newspaper is published and circulated in the city or district conducting the proceedings, the notice of local improvement and other notices to be given in the proceedings, excepting the call for bids, shall be published in a newspaper published in the county in which the city or district is located. County newspaper publication

10310. Any interested person may object to the proposed improvement, the extent of the assessment district, or to the proposed assessment by filing a written protest with the clerk of the legislative body at or before the time set for the hearing. The clerk shall endorse on each protest the date of its receipt, and at the time appointed for the hearing shall present to the legislative body all protests filed with him. Protests

10311. If the protests are against the proposed improvement and the legislative body finds that such protests are signed by the owners of more than one-half of the area of the land included within the assessment district, all further proceedings under the resolution of intention are barred, and no new resolution of intention for the same improvement shall be passed within six months after decision of the legislative body on the hearing, unless the protests are overruled by an affirmative vote of four-fifths of the members of the legislative body. The legislative body may confirm, modify, or correct the proposed assessment. Proceedings under resolution of intention barred

10312. When upon the hearing the proposed assessment is confirmed as filed, as modified, or corrected, by resolution the legislative body shall order the proposed improvement to be made or acquired, and declare its action upon the report and assessment. The resolution shall be final as to all persons, and the assessment thereby levied upon the respective subdivisions of land in the assessment district. Legislative resolution final

10313. The legislative body may make such changes in the boundaries of the proposed assessment district, the amounts of the assessments, the work proposed to be done, or the acquisitions proposed, as it finds proper or advisable. Where the changes result in extending the boundaries of the assessment district, increasing the total amount to be collected, increasing the amount of work to be done or acquisitions to be had, or substituting work or acquisitions in place of those previously provided, such changes shall not be ordered except after notice of the proposed change is published by one insertion in the newspaper in which the notice of local improvement was published. The notice shall describe the proposed changes and specify the time and place of hearing of protests to the proposed changes. The notice shall be published at least 10 days before the day set for the hearing. Change in boundaries amounts of assessments, etc

10314. Written objections to the proposed changes may be filed with the clerk by any interested person at or before the Objections to changes

time set for the hearing. The legislative body shall hear and pass upon such objections at the time appointed or at any time to which the hearing is adjourned.

Protests insufficient, etc

10315. If no written protests are delivered to the clerk up to the hour set for the hearing, or if the protests are found by the legislative body to be insufficient, or are overruled, the legislative body may order the proposed changes to be made. The decision of the legislative body is final and the provisions and modifications are subject to Section 10400.

Changes in proceedings

10316. The legislative body may make changes in the proceedings upon giving notice and holding a hearing in the manner provided in Sections 10313, 10314, and 10315.

CHAPTER 5. LEVYING AND COLLECTING THE ASSESSMENT

Contesting validity of assessment

10400. The validity of an assessment or supplementary assessment levied under this division shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the assessment is levied. Any appeal from a final judgment in such an action or proceeding shall be perfected within 30 days after the entry of judgment.

Diagram and assessment

10401. Upon the passage of the resolution provided for in Section 10312, the clerk of the legislative body shall transmit to the city tax collector the diagram and assessment provided for in subdivisions (d) and (e) of Section 10204, and any modifications or corrections made by said legislative body. If other than a municipal corporation is conducting the proceeding, the diagram and assessment shall be transmitted to and recorded by the corresponding officer of the entity conducting the proceeding, which officer shall be the county surveyor if a county is conducting the proceeding, and such officer shall perform the duties provided in this division for the tax collector If neither a municipal corporation nor a county is conducting the proceeding, in addition to transmitting and recording the diagram and assessment as provided in this section, a certified copy of the diagram and assessment shall be recorded with the county surveyor if all or any part of the improvement district is in unincorporated territory, and with the superintendent of streets of the city if all or any part of the improvement district is in an incorporated territory. The recording of the certified copy of the diagram and assessment as required by this section shall give constructive notice of the creation of the assessment lien.

Recording, lien due and payable

10402. The tax collector shall record the diagram and assessment received pursuant to Section 10401 in a substantial book to be kept for that purpose in his office. Upon the date of recordation with the tax collector or, if a certified copy is recorded with the county surveyor or the superintendent of streets of the city or both as provided in Section 10401, then upon the date of such recordation, the assessment becomes a lien and is due and payable.

10403. All assessments not paid within 60 days after they become due, except all unpaid assessments for which bonds are to be issued, shall become delinquent and the recording officer shall add to each delinquent assessment 5 percent of the amount thereof. Delinquent assessments

10404. Notice of delinquency shall be given in the manner and form and at the times specified in Section 22 of the Street Opening Act of 1903. Notice of delinquency

10405. The tax collector shall fix a time and place for the sale of various parcels of land upon which the assessments are unpaid, which date shall be not less than 60 days nor more than six months after the date of the recordation of the diagram and assessment. Sale of parcels with assessments unpaid

10406. When the resolution of intention does not provide for the issuance of bonds, the tax collector of the entity conducting the proceedings shall give the notice of recording the assessment and collect and receive the assessments, and proceedings shall be had as provided in this chapter. Collection, etc., of assessments

10407. Within 10 days after the date of the delinquency, the tax collector shall begin the publication of a notice of sale of the property upon which the assessments have not been paid. The publication shall be made by two insertions in a daily or weekly newspaper published and circulated in the city. Notice of sale publication

10408. The notice need not set out the description of the various parcels of land at length, but shall describe the parcels by their respective number as they appear upon the assessment and diagram, to which the notice shall refer. Opposite the description or designation of each parcel of land shall be set out the name of the owner as it appears on the last equalized assessment roll for city taxes or as known to the tax collector, the amount assessed against the parcel, the penalty for delinquency, and the costs of sale chargeable to the parcel. Contents of notice

10409. At least 15 days prior to the date of the sale the tax collector shall mail, postage prepaid, notices of sale to the owners of all property upon which the assessments have not been paid, as they appear on the last equalized assessment roll for city taxes or as known to the tax collector. The various parcels shall be designated by their legal description or by street number in addition to their respective numbers as they appear upon the assessment and diagram. Opposite the description and designation of each parcel in the notice shall be set out the amount assessed against the property, the penalty for delinquency and portion of the costs of the sale chargeable to the parcel Notice of sale Contents

10410. Upon the completion of the publishing and mailing of the notices of sale, the tax collector shall file with the legislative body an affidavit setting forth the time and manner of the compliance with the requirements for publishing and mailing the notices. Affidavit of publication, etc

10411. At any time after delinquency and prior to the sale of any parcels of land assessed and delinquent, any person may pay the assessment, and penalties and costs due on the property, Assessments payable any time before sale

including the cost of advertising if the payment is made after the first publication of the notice of sale.

Sale procedure

10412. At the time and place fixed in the notice, the tax collector shall proceed with the sale of the property advertised, commencing at the head of the list and continuing in numerical order of lots or parcels of land until all are sold. He may postpone or continue the sale from day to day until the sale is completed.

10413. The tax collector shall sell separately each parcel of land in the published notice on which the assessment remains unpaid, or so much of it as is necessary to realize the amount assessed against the parcel and penalties and costs, and fifty cents ($0.50) for a certificate of sale. If there is no other purchaser for any lot or parcel of land so offered for sale, it shall be struck off to the city as purchaser.

Certificates of sale

10414. For each sale the tax collector shall issue an original and duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which the parcel was sold. He shall deliver the original certificate to the purchaser and keep the duplicate on file in his office, in the form of a stub, in the certificate book.

Redemption of property sold

10415. At any time before the expiration of one year from the date of the sale, any property sold pursuant to this chapter may be redeemed by payment to the tax collector of the amount for which it was sold and an additional penalty at the rate of 1 percent of the amount a month until paid.

Payment of redemption money

10416. The tax collector shall pay the redemption money to the person holding the original certificate of sale and shall require that the person to whom the redemption money is paid surrender the certificate and give a receipt for the money so paid. Upon redemption of any parcel of land the tax collector shall enter the fact and date of redemption upon the duplicate certificate of sale for that parcel of land.

Failure to redeem Deed to purchaser

10417. If property sold pursuant to this chapter is not redeemed within one year, and if the purchaser or his assignee has complied with the provisions of this chapter, the tax collector shall execute to the person named in the original certificate, or to his assignee on his application, a deed of the property described in the certificate. The deed shall refer in general terms to the proceedings under which it is issued and contain a description of the property, any assignment thereof, and the fact that no person has redeemed the property. The tax collector shall receive from the applicant one dollar ($1) for making the deed, unless the city is the purchaser, in which case no charge shall be made.

Notice to owner of property

10418. At least 30 days before he applies for a deed, the purchaser or his assignee shall serve upon the owner of the property, and upon the occupant of such property if it is occupied, a written notice setting forth:

(a) A description of the property.

(b) That the property has been sold for a delinquent assessment (specifying the improvement for which the assessment was made).

(c) The amount for which the property was sold.

(d) The amount necessary to redeem at the time of giving notice.

(e) The time when the purchaser or assignee will apply to the tax collector for a deed.

If the owner cannot be found, after due diligence, the notice shall be posted in a conspicuous place upon the property, at least 30 days before the time stated therein as the time at which the application for a deed will be made.

Affidavit of notice

10419. The person applying for a deed shall file with the tax collector an affidavit or affidavits showing that notice of such application has been given as required in this chapter, and if the notice was not served on the owner of the property personally that due diligence was used to find the owner The affidavit or affidavits shall be filed by the tax collector in his office.

Additional cost of redemption

10420. If redemption of the property is made after such affidavits are filed, and more than 11 months from the date of sale, the person making the redemption shall pay, in addition to the other amounts required, three dollars ($3) for the service of notice and the making of the affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption.

Conditions precedent

10421. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of Sections 10417 to 10420, inclusive, and has filed the proper affidavits with the tax collector.

Title in fee Immediate possession

10422. The deed of the tax collector conveys the title in fee to the property and entitles the grantee, upon the receipt thereof, to immediate possession of the property described in the deed.

Deed prima facie evidence

10423. The deed of the tax collector is prima facie evidence of the truth of all the matters which it recites, and of the regularity of all proceedings prior to the execution of the deed.

Disposition of funds collected

10424. As fast as collected the tax collector shall pay the funds collected by him pursuant to this division, either upon voluntary payment or as the result of sales, to the treasurer of the city. The city treasurer shall place the funds so received in a special fund designated by the name of the improvement proceeding. Payment shall be made out of the special fund so established only for the purposes provided for in this division. To expedite the making of any improvement authorized by this division the legislative body may at any time transfer into the special fund, out of any money in the general fund, such sums as it deems necessary. The sums so transferred are a loan to the special fund, and shall be repaid out of the proceeds of the assessments provided for in this division.

Deficit out of general fund. Supplemental assessment

10425. If the first assessment or the sale of bonds to represent assessments levied pursuant to this division fails to raise

sufficient money to pay all costs, damages, and expenses of the improvement or acquisition, including any judgments rendered in the action and proceedings mentioned in this division and the costs and expenses thereof, the legislative body may pay the deficit out of the general fund, or may order a supplemental assessment to pay the deficit.

Supplemental assessments

10426. The supplemental assessment shall be made and collected in the same manner, as nearly as may be, as the first assessment. Subsequent supplemental assessments may be made, if necessary, to pay for the improvement. At the hearing the legislative body may confirm, modify, or correct the supplemental assessment. The decision of the legislative body thereon is final.

Disposition of surplus from assessment

10427. If any assessment authorized by this division results in a surplus in the improvement fund after the improvement is completed, the surplus may be spent for the maintenance of the improvement. As an alternative method of disposition, the surplus shall be refunded or credited pro rata to the parties assessed as follows:

(a) Where the assessment or any installment has been paid in cash, credit shall be returned in cash to the person paying the corresponding assessment or installment, upon his furnishing satisfactory evidence of such payment.

(b) Where the assessment or any installment is unpaid, the credit shall be applied upon such assessment or the earliest unpaid installment of principal and interest.

Assessments as liens

10428. From the date of the recordation with the city tax collector, county surveyor, or superintendent of streets, each special assessment levied under this division is a lien upon the land upon which it is levied This lien is paramount to all other liens, except prior assessments and taxation, and shall continue until the special assessment is paid or the property is sold and deeded to the purchaser pursuant to this division. All persons shall have constructive notice of this lien from the date of the recordation of the diagram and assessment as referred to in this chapter.

CHAPTER 6. BIDS AND AWARD OF CONTRACT

Contracts

10500. At any time after the funds for all or any part of the proposed improvement are in the custody of the treasurer, the legislative body may let the contract or contracts for all or any part of the improvement and authorize such acts and proceedings as are necessary to acquire works or appliances already installed, or other property, as authorized by this division.

Sealed proposals invited. Lowest bidder, etc

10501. Each contract shall be let to the lowest responsible bidder after notice inviting sealed proposals is published by two insertions in a newspaper published in the municipality, and designated by the legislative body for that purpose, or if there is no such newspaper, by such posting as the legislative body may provide. The time fixed for the opening of the bids shall not be less than 10 days after the first publication or posting of the notice.

10502. Each bid shall be accompanied by a certified check, amounting to 10 percent of the bid, payable to the order of the clerk of the legislative body. The amount so posted shall be forfeited to the municipality if the bidder does not, within 15 days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work. The faithful performance of the contract shall be secured by an undertaking in such penal sum as the legislative body requires, with sureties satisfactory to the legislative body. The contractor shall also furnish a labor and material bond as required by law.

Certified check accompanies each bid, etc

10503. The contract shall provide that the work shall be done strictly in accordance with the plans and specifications contained in the report provided for in Sections 10200, 10201, 10202, 10203, 10204, and 10300. The work shall be done under the supervision of the board officer, or person by whom the report was made, and no work shall be paid for until it is accepted by that board officer, or person, but this shall not prevent acceptance of and payment for completed portions of the work as it progresses.

Provisions of contract

10504. If the contractor abandons the work, or fails to proceed with the work as rapidly as required by his contract, the legislative body may relet the work in the manner set forth in this chapter for letting the original contract, and retain out of any funds due or to become due the contractor the amount of the cost of the work and any expense incidental to reletting the contract, and also hold the contractor and his sureties responsible for such cost and expense, and for any damages resulting from the abandonment or failure upon his bond.

Abandonment failure to complete, etc., work

10505. At any time within 10 days after the award of any contract pursuant to this chapter, or if no bids are received, at any time within 10 days after the time fixed for the opening of bids by resolution adopted by a vote of two-thirds of all its members, the legislative body may order that the proposed contract be not made, and that the municipality itself execute the work in accordance with the plans and specifications adopted for the work.

No contract made

10506. At any time after funds for all or any part of the proposed improvement are in the custody of the treasurer, by resolution adopted by a vote of two-thirds of all its members and without calling for bids, the legislative body may order that the municipality itself execute any or all of the improvement in accordance with the specifications and plans adopted for the work.

Municipality to execute improvements

10507. The legislative body, on ordering the municipality itself to execute the improvement, may authorize the municipality to employ the labor, and provide the material, appliances, supplies, and illuminating agent necessary to carry out the work.

Labor, material, etc

10508. The cost and expenses of work executed by the municipality itself shall be paid out of the improvement fund, but

Costs and expenses

the amount appropriated and used from the fund for this purpose shall not exceed the amount of the bid upon which the award of the contract was made, or if no bids are received or the work is ordered without asking for bids, the cost and expenses shall not exceed the amount of the estimate provided for in subdivision (c) of Section 10204 If the cost and expenses do exceed the amount of the bid, or of the estimate in case no bids are received or the work is ordered without asking for bids, the excess shall be paid from the general fund in the treasury.

Provisions of Government Code applicable

10509. The provisions of Chapter 3, Division 5, Title 1, of the Government Code are hereby expressly made applicable to the construction of works and improvements under this division.

CHAPTER 7. IMPROVEMENT BONDS

Bond issue

10600. The legislative body conducting the proceedings under the provisions of this division may, in its resolution of intention, determine and declare that bonds shall be issued under the provisions of either the Improvement Act of 1911, or the Improvement Bond Act of 1915. In any case, the assessment shall be recorded in the office of the superintendent of streets of the city, county surveyor of the county, or district engineer of the district or public corporation conducting the proceedings in the manner and with like force and effect as provided in the Improvement Act of 1911 and the Improvement Bond Act of 1915, and the assessment therefor shall have the priority, and the proceedings shall be subject to all of the curative clauses and powers of reassessment, provided in those acts. In any case, the official in whose office the original of the assessment is recorded shall give the notice to pay the assessments, as provided in this division. If bonds are to be issued under the Improvement Act of 1911, assessments under twenty-five dollars ($25) shall be subject to the penalties and costs, and collected as provided for cash assessments in the Street Opening Act of 1903.

Action to determine validity of proceedings, assessment, etc

10601. At any time after the publication of any resolution of intention adopted pursuant to this division, the ordering of the improvement or acquisition, the confirmation of the assessment, or the ordering of the issuance of bonds, the legislative body may bring an action in the superior court of the county in which the city is located to determine the validity of the proceedings, assessment, bonds, contract, improvement, or acquisition. Any contractor to whom a contract has been awarded may also bring such an action. Such an action shall be brought pursuant to, be governed by the provisions of, and have the effect of, Chapter 10 of the Improvement Act of 1911, except as this division otherwise provides.

Issue and sale of bonds

10602. The bonds may be issued and sold as the legislative body directs. The proceeds of the bonds shall be deposited in the fund specified in Section 10424. The notice in the resolution of intention shall recite a maximum rate of interest to be paid

on the indebtedness, not to exceed 6 percent a year payable semiannually, which rate shall not be exceeded in the issuance of the bonds. All bonds shall be made payable to bearer.

Collection etc. of assessments

10603. When the resolution of intention provides for the issuance of bonds, the superintendent of streets of a city, surveyor of a county, or district engineer of a public corporation, conducting the proceedings shall give the notice of recording the assessment, and collect and receive the assessments. The legislative body of the public entity conducting the proceedings may, by resolution, designate the treasurer, tax collector, or other officer of the entity to collect and receive the money. If the entity is a public corporation it may designate the treasurer or tax collector of the county in which it is situated to collect and receive the money.

Collector bonded

10604. The person who is to collect and receive the assessments before the issuance of bonds may be bonded in favor of the entity conducting the proceedings in an amount to be fixed and such bond approved by the legislative body of the entity. When he is a bonded official his services in receiving the money are a duty imposed upon him by law within the purview of his bond. In the case of a county official collecting for a public corporation, the county shall collect any money due on the bond as agent for the public corporation. If the legislative body designating the bonded person finds that his official bond is inadequate it may provide that he shall be separately bonded. The premium of such bond shall be an incidental expense of the proceeding.

Deposit of collected assessments

10605. The person collecting the assessments shall deposit the amounts received in the construction fund of the entity conducting the proceedings, not less than once each week, or at such other more frequent intervals as the legislative body of the entity determines.

Refunding Assessment Bond Act of 1935

10606. The legislative body may, in its resolution of intention, determine and declare that bonds will be issued and paid, and the assessments therefor levied, collected, and augmented in accordance with the applicable provisions of Sections 14, 15, 16, 17, 20, 21, 22, 24, 25, 26, 27, and 28 of the Refunding Assessment Bond Act of 1935, in which case the applicable provisions of that act are incorporated in this division as if fully set out herein. If the bonds are issued pursuant to that act, appropriate changes shall be made in the form of the bonds to show that they are for a public improvement or acquisition under this division.

List of unpaid assessments etc.

10607. The list of unpaid assessments shall be filed, noticed, heard, the bonds ordered issued, interest shall accrue from the date, and assessments thereafter paid before maturity, bonds called, premium paid, and illegal assessments and bonds reassessed, all as provided in the Improvement Bond Act of 1915.

Title of bond etc.

10608. The bond shall be entitled "Improvement Bond." The provisions for payment of the bond before maturity, as contained in the bond form in the Improvement Bond Act of 1915, shall be inserted in the place of the similar provision

in the bond form of the Refunding Assessment Bond Act of 1935. There shall also be inserted in the bond form after the title of the refunding act the words "as modified in the Municipal Improvement Act of 1913."

Proceedings subject to curative clauses, etc

10609. In all cases where bonds are to be issued under any of the bond acts referred to in this chapter the proceedings shall be subject to all of the curative clauses, limitation of actions, and powers of reassessment provided in all of those acts, and the publication of the notice of improvement shall be deemed to be the publication of the resolution of intention.

SEC. 5. Part 4, comprising Sections 35100 to 35704, inclusive, is added to Division 18 of said code, to read:

PART 4. PARKING DISTRICT LAW OF 1951

CHAPTER 1. GENERAL

Short title

35100. This part may be cited as the Parking District Law of 1951.

Definitions

35101. Unless the context otherwise requires, the definitions contained in this chapter shall govern the construction of this part.

35102. "Legislative body" means the legislative body of the city in which the district is located.

35103. "Assessment roll" means the assessment roll used by the city for purposes of city taxation.

35104. "Net revenues," as used with reference to a parking meter, means the revenues remaining after deductions for the cost of acquiring the meter and the cost of its maintenance, operation, repair, servicing, and policing.

35105. "Real property" means land and improvements thereon.

35106. "Parking places" includes parking lots, garages subsurface structures, and buildings for the parking of motor vehicles.

35107. Any portion of a city may be formed into a parking district for the purposes set forth under this part.

Scope

35108. In addition to matters specified elsewhere in this part, the acts authorized under this part include the following:

(a) The formation of districts.

(b) The acquisition of land, property, and rights of way necessary or convenient for use as public parking places for the parking of motor vehicles and for the opening, widening, straightening, or extending of streets, alleys, lanes, or walks necessary or convenient for ingress to or egress from any parking place.

(c) The improvement of any acquired land by the construction thereon of garages or other buildings or improvements of any kind or nature necessary or convenient for parking purposes.

(d) The improvement by grading, paving, draining, lighting, or otherwise of any parking place and any streets, alleys,

lanes, or walks necessary or convenient for ingress to and egress from parking places.

(e) The issuance, sale, and payment of bonds for any or all of the foregoing purposes, and the levy and collection of ad valorem assessments upon real property within the district for the payment of all or a portion of the principal and interest of the bonds.

(f) The administration, maintenance, and operation of parking places acquired under this part.

(g) The fixing and collection of rentals, fees, and charges for the use of parking places and the use of moneys derived from the rentals, fees, and charges.

(h) The contribution by cities of money for the acquisition and improvement of the public parking places and public ways for ingress to and egress therefrom; the allocation and pledge of any revenues of the city derived from parking meters on public ways within the district to the payment of principal and interest of bonds, and the making of covenants and agreements with the bondholders to install and maintain such meters.

(i) The employment of engineers, attorneys, and other persons necessary or convenient for the doing of any act authorized by this part.

(j) The acquisition of property by gift, purchase, or eminent domain. Any conveyance of property or right of way as a gift may be conditional upon the use of the property for the purpose for which it is conveyed, or property may be conveyed to the city in trust for a particular use or uses and the conveyance may provide that upon the cessation or abandonment of such use or uses the property shall be reconveyed to the donor or to his or its successors or assigns. Any property acquired by condemnation or otherwise may be acquired in fee simple.

(k) The doing of all acts and things necessary or convenient for the accomplishment of the purposes of this part. The enumeration of specific authority in this part does not limit in any way the general authority granted by this subdivision.

Bonds

(*l*) Any bonds issued pursuant to this part, and the interest on them, shall be payable from net revenues from the operation of the parking place or places acquired or improved with the bond proceeds, and may also be payable from all or part of the net revenues from parking meters on some or all of the public ways in the district. To the extent to which such revenues have been or are expected to be insufficient in any year to pay such principal and interest, the bonds may also be payable from ad valorem assessments levied upon real property in the district within the limits provided in this part. Neither the city nor any of its officers shall be held otherwise liable for the payment of the principal and interest.

Invalidity of proceedings, etc., liberal construction

35109. Any proceedings taken or bonds issued pursuant to this part shall not be held invalid for failure to comply with the provisions of this part, if the acts done and proceedings taken are not invalid under the State or Federal Constitutions. Any procedure not expressly set forth in this part but deemed

necessary or convenient to carry out any purposes of this part is hereby authorized. This part shall be liberally construed.

Alternative procedure

35110. This part does not affect any other law relating to the same or a similar subject, but provides an alternative procedure for the subject to which it relates. When proceeding under this part, its provisions only shall apply.

Territory within parking district not included in another

35111. Any territory included within a parking district formed pursuant to this part shall not be included within any other parking district or any vehicle parking district.

Exemption

35112. The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply to proceedings under this part.

CHAPTER 2. FORMATION OF DISTRICT

Petition:

35250. The formation of a parking district may be proposed by petition signed by the owners of real property in the proposed district, as shown by the last equalized assessment roll, owning lands of an assessed value of not less than thirty-five percent (35%) of the total assessed value of all taxable real property in the district, as shown by the assessment roll.

35251. The petition shall contain:

(a) The proposed name of the district.

(b) A general description of the boundaries of the proposed district.

(c) A general description of the parking places proposed to be acquired. The parking places need not be within the boundaries of the proposed district.

(d) A general description of any public ways proposed to be acquired for ingress to or egress from the parking places.

(e) A general statement of the improvements to be made or constructed on the proposed parking places, the public ways proposed to be acquired, or existing public ways which would provide ingress to or egress from the proposed parking places.

(f) Any limits as to time and rate upon ad valorem assessments which may be levied upon taxable real property in the district to pay principal and interest of bonds issued for acquisitions and improvements for the benefit of the district. The limits as to time shall not exceed 20 years from the date of the bonds, and the limits as to rate shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

(g) Any amount of money which it is proposed that the city contribute toward the cost and expense of the acquisitions and improvements proposed by the petition.

(h) A general statement of the public ways within the district on which it is proposed the city install and maintain, or continue to maintain, parking meters, the net revenues from which will be allocated and pledged to the payment of the principal and interest of the bonds, and the period of time, measured from the date of the bonds, for which it is proposed that the city agree to maintain the meters. If it is

proposed that only a portion of the net revenues shall be so allocated and pledged, the portion shall be generally defined.

Verification

35252. The petition shall be verified by one or more persons and shall be filed in the office of the clerk of the legislative body.

Examination, certification

35253. When the petition is filed, the clerk of the legislative body shall examine the petition. If it is signed by the requisite number of qualified signers, the clerk shall so certify to the legislative body.

Rejection of petition, contribution

35254. If the petition proposes a contribution of money by the city, the legislative body either shall reject the petition, or prior to the adoption of the resolution of intention, shall agree to make a contribution not less than the amount specified in the petition.

Additional contributions

35255. The statement of the amount of city contribution in the petition or in the resolution of intention shall not prevent the city from making additional contributions to the project before or after the issuance of bonds therefor and shall not prevent the city from paying all or any part of the incidental expenses in connection with the proceedings under this part.

Parking meters

35256. If the petition proposes that the city install and maintain, or continue to maintain, parking meters on public ways within the district, the legislative body either shall reject the petition, or prior to the adoption of the resolution of intention, shall agree to install and maintain, or continue to maintain, parking meters as proposed in the petition. The legislative body shall not so agree unless it finds and determines that the public interest, convenience, and necessity require that the meters be installed and maintained, or be continued to be maintained, as proposed in the petition.

Report upon approval of petition

35257. The legislative body shall either approve the petition or reject it. If it approves the petition, it shall direct the city engineer or other competent person to make and file with it a report showing the following:

(a) An estimate of the cost of the acquisitions and improvements proposed by the petition and of the incidental expenses in connection therewith and of the proceedings therefor.

(b) An estimate of the annual revenues which can be expected to be derived from the operation of the proposed parking places, and of the annual expenses of operating and maintaining the parking places exclusive of principal and interest on the bonds to be issued.

(c) An estimate of the annual net revenues which can be expected to be derived from the parking meters, the revenues from which are by the petition proposed to be pledged to pay the principal and interest of the bonds.

(d) The total assessed value of the real property within the proposed district as shown on the last equalized assessment roll.

Resolution of intention Bond issues

35258. Upon the filing of the report, the legislative body may adopt a resolution declaring its intention to form a parking district and to issue bonds in the amount and for the purposes stated in the resolution. The resolution shall contain substantially the following:

(a) The name of the proposed district.

(b) A description of its boundaries. This description may be general only and may refer to a map on file in the office of the clerk of the legislative body, which map shall show the boundaries of the proposed district and shall govern for all its details.

(c) A general description of the acquisitions and improvements proposed by the petition. This description may be in general terms and may refer to a map, plan, or sketch on file in the office of the clerk for a further description of what is proposed to be done.

(d) The estimates of costs, expenses, and revenues, and the assessed value of real property in the proposed district, as set forth in the report.

(e) The amount proposed to be contributed by the city toward the proposed acquisitions and improvements.

(f) An estimate of the amount of the bonds proposed to be issued, the maximum number of years the bonds are to run, and the maximum rate of interest to be payable thereon, not in excess of six percent (6%) a year.

(g) The limits, as stated in the petition, as to time and rate upon any ad valorem assessments which may be levied upon taxable real property in the district to pay principal and interest of the bonds.

(h) A general statement of the public ways within the district on which the city, as proposed by the petition, will install and maintain, or continue to maintain parking meters, the net revenues from which will be allocated and pledged to the payment of the principal and interest of the bonds, and the period of time, measured from the date of the bonds, for which the city will agree to maintain the meters. If it is proposed that only a portion of the net revenues be so allocated and pledged, such portion shall be generally defined.

(i) The time and place for the hearing on the proposed formation of the district and the time within which and the place where protests may be filed.

(j) The resolution shall make reference to the report on file in the office of the clerk.

Publication

35259. The resolution shall be published twice in a newspaper of general circulation printed and published in the city. The first publication shall be at least thirty (30) days prior to the date of the hearing. In cities where no such newspaper is published, the resolution shall be posted in three public places in the proposed district at least thirty (30) days prior to the date of hearing.

Copy to owners of assessed property

35260 Not less than twenty-five (25) days prior to the date of hearing, the clerk of the legislative body shall mail a copy of the resolution, postage prepaid, to each person to whom real property in the district is assessed as shown on the last equalized assessment roll, at his address as shown upon the roll, and to each person, whether owner in fee or having a lien upon, or legal or equitable interest in, any real property within the

district, whose name and address and a designation of the real property in which he is interested is on file in the office of the clerk.

35261. Any error, failure, or mistake in the mailing of the copy of resolution or any thereof and any failure of any person to receive the copy shall not affect in any way the validity of any proceedings hereunder. Errors, etc in mailing

35262. Any person interested and objecting to the formation of the parking district, the extent thereof, the inclusion of his property therein, the proposed acquisitions and improvements, the issuance of bonds, or to any other proposal in the resolution of intention, may file a written protest with the clerk of the legislative body at any time prior to the time fixed for the hearing. Written protest

35263. At the hearing the legislative body shall hear and determine all protests filed. Hearing

35264 The legislative body's decision on the protests shall be final and conclusive. However, if the owners of taxable real property in the district having an assessed valuation of more than one-half of the assessed valuation of all taxable real property in the district at the conclusion of the hearing have on file and not withdrawn their written protests objecting to the formation of the district, the legislative body shall find that a majority protest has been filed, and the proceeding shall be terminated. No further proceedings shall be had or taken pursuant to the petition. Determination final Majority protest no further proceedings

35265. Any protest filed may be abandoned and withdrawn by written notice of such abandonment or withdrawal signed by the person who signed the protest and filed with the clerk of the legislative body at any time prior to the conclusion of the hearing. Abandonment, withdrawal of protests

35266. If a proceeding is terminated by the filing of a majority protest a new petition for the same purpose may not be filed until the expiration of one year from the date of the finding that a majority protest was filed. However, a new petition for a modified project may be filed at any time. New petitions

35267. The hearing may be continued from time to time at the discretion of the legislative body. Hearing continued

35268. At the conclusion of the hearing the legislative body may alter the boundaries of the proposed district as it finds to be proper and advisable and shall define and establish the boundaries, but the legislative body shall not modify the boundaries so as to include any territory which will not in its judgment be benefited by the proposed project, and no territory shall be excluded from the proposed district which will in the judgment of the legislative body be benefited by the proposed project. Alteration of boundaries

35269. At the hearing the legislative body may increase, decrease, change, or otherwise modify the acquisitions or improvements to be made, but the legislative body shall not do so, without first procuring from the city engineer or other competent person a supplemental report showing the effect Modification, etc., of acquisitions, etc

thereof upon the estimates and other data given in the original report.

Notice of changes

35270. The legislative body shall not change any boundaries or acquisitions and improvements, except after notice of intention to do so, given by two insertions in the newspaper in which the resolution of intention was published. The notice shall specify a time for hearing objections to the proposed change, which shall be not less than twenty (20) days after the first publication of the notice

Objections to proposed changes

35271. Written objections to any proposed change may be filed with the clerk of the legislative body by any interested person at any time prior to the hour set for hearing them.

35272. The legislative body shall hear and pass upon objections to proposed changes at the time appointed or at any time to which the hearing may be adjourned. Its decision shall be final. However, if a majority protest is on file, as provided in this chapter, at the conclusion of the hearing, upon the determination of the legislative body that a majority protest is on file, the proceeding shall be abandoned.

Ordinance

35273. At the expiration of the time within which protests may be filed, the legislative body may proceed further under this part, and may adopt an ordinance declaring that the parking district is formed and describing the acquisitions and improvements to be made in the following cases:

(a) No protests have been filed.

(b) Protests constituting less than a majority protest are filed, and after hearing are denied.

(c) At the expiration of the time within which objections to changes, if any have been proposed pursuant to this chapter, may be filed, and none have been filed.

(d) If objections to changes constituting less than a majority protest are filed, and after hearing are denied.

Name of district

35274. Any district formed pursuant to this part may be named "Parking District No. ___ of the City of _____."

Chapter 3. Bonds, Acquisitions and Improvements

Conditions precedent to bond issue

35400. Before issuing any bonds the legislative body shall contract for the purchase of the land, property, and rights of way to be acquired, or if all or any portion thereof cannot be acquired by contract at a price which the legislative body deems satisfactory, the legislative body shall cause an action to be brought in the name of the city for its condemnation and, before issuing any bonds shall obtain an interlocutory judgment in such action.

Modification, etc. of proposed acquisitions, etc.

35401. If after the amount to be paid for the land, property, and rights of way to be acquired has been fixed by contract or by interlocutory judgment the legislative body finds that it will not be feasible to issue bonds in an amount necessary to make the acquisitions and improvements described in the ordinance declaring the district formed and the incidental expenses in connection therewith and the proceedings therefor, after

deducting any amount to be contributed by the city for such purposes, the legislative body may eliminate, change, or otherwise modify any of the proposed acquisitions or improvements, after notice and hearing as provided in Sections 35270 to 35273, and the majority protest provisions of Section 35272 shall apply.

Issue of bonds

35402. When the amount to be paid for the land, property, and rights of way finally determined to be acquired has been fixed by contract or by interlocutory judgment, the legislative body may by ordinance, resolution, or indenture provide for the issuance of bonds of the district in an amount not exceeding that necessary to make the proposed acquisitions and improvements and to pay the incidental expenses in connection therewith and the proceedings therefor, less any amount to be contributed by the city for such purposes.

Bond description, etc.

35403. The legislative body shall describe the form of bonds and of the interest coupons to be attached thereto.

Payment of bonds, etc.

35404. Not less than one-twentieth of the whole amount of the bonds shall be payable each year at a time and place to be fixed by the legislative body and designated in the bonds, together with interest on all sums unpaid on such date until the whole of the bonds is paid. The legislative body may in its discretion determine and fix a date for the earliest maturity of the principal of the bonds not more than three years from the date of issue.

Callable for redemption before maturity

35405. The legislative body may make all or any portion of the bonds callable for redemption before maturity at such time, price, and other conditions as it determines. Any bond callable before maturity shall contain a recital to that effect.

Denominations, interest

35406. The bonds shall be issued in the denomination of one thousand dollars ($1,000) each, payable on the day and at the place fixed in the bonds, with interest at the rate specified in the bonds. The interest rate shall not be in excess of the maximum stated in the resolution of intention and shall be paid semiannually, except the interest for the first year may be paid at the end of that year.

Signatures on bonds and interest coupons

35407. The bonds shall be signed by the chief executive of the city or by such other officer as the legislative body in the ordinance authorizes and designates for that purpose and by the treasurer, and countersigned by the clerk.

35408. The interest coupons on the bonds shall be numbered consecutively and signed by the treasurer.

35409. All of the signatures on the bonds and interest coupons may be made by printed, lithographed, or engraved facsimile except the countersignature of the clerk, which shall be manually affixed.

Officer signing ceases to be officer

35410. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, his signature or countersignature shall nevertheless be valid for all purposes, the same as if he had remained in office until the delivery of the bonds.

Contents of bonds

35411. The bonds shall state in substance that:

(a) The bond and interest are payable solely from:

(1) The net revenues from the operation of the parking place acquired and improved with the proceeds.

(2) The net revenues, or a portion thereof, from parking meters on certain public ways within the district, if such is the case.

(3) To the extent such revenues are insufficient, from a limited (stating the limits) ad valorem assessment to be levied upon taxable real property in the district, if such be the case.

(b) Neither the city nor any of its officers is to be held otherwise liable for its principal or interest.

Maintenance of parking facilities, etc.

35412. The ordinance, resolution, or indenture providing for the issuance of the bonds may also provide for the maintenance and operation of the parking facilities, for the establishment of a special fund into which all revenues derived from the operation of the parking facilities shall be placed, for the payment from this fund of the expenses of operating and maintaining the parking places, and for the allocation and pledge of the remaining revenues to the payment of the bonds and the interest thereon.

Parking meters

35413. The ordinance, resolution, or indenture providing for the issuance of the bonds may also provide for the installation of parking meters on the public ways within the district as provided in the resolution of intention, to the extent they have not already been installed, for the maintenance of meters on the public ways for the period of time specified in the resolution of intention, for the establishment of a special fund into which the net revenues (or portion thereof as specified in the resolution of intention) shall be paid, and for the allocation and pledge of the net revenues, or portion thereof, to the payment of the bonds and the interest thereon.

Levy of ad valorem assessment

35414. The ordinance, resolution, or indenture providing for the issuance of the bonds may also provide for the levy each year of an ad valorem assessment on all taxable real property in the district, to the extent to which revenues from the parking lots and from parking meters pledged to the payment of principal and interest of the bonds have been or are expected to be insufficient in any year to pay the principal and interest. The rate of ad valorem assessment shall be fixed by the legislative body each year in accordance with the provision. The ad valorem assessment shall not exceed the limits stated in the resolution of intention. The assessment shall be levied, collected, and enforced in the same manner, at the same times, and with the same penalties and interest, as in the case of taxes levied for the city.

Interest and redemption funds, etc.

35415. The ordinance, resolution, or indenture providing for the issuance of the bonds may also provide for interest and redemption funds, sinking funds, reserve funds, and any other funds necessary or convenient for use in the payment of the bonds and the interest thereon.

Additional provisions

35416 The ordinance, resolution, or indenture may also contain any other provisions, not inconsistent with this part,

which are necessary or desirable to carry out its intent and purpose.

35417. The provisions of the ordinance, resolution, or indenture shall constitute covenants for the benefit and protection of the holders of the bonds, and any holder may enforce the covenants by mandamus or other appropriate remedy. Covenants

35418. Any provision of the ordinance, resolution, or indenture, except a provision as to the amount of time of payment of principal or interest on the bonds, may be later eliminated or modified by the legislative body, if the holders of not less than sixty percent (60%) of the outstanding bonds have agreed in writing to the elimination or modification. Subsequent elimination of provisions

35419. The legislative body may issue and sell the bonds of the district at not less than par plus accrued interest. Sale of bonds

35420 Before selling all or any part of the bonds, the legislative body shall give notice inviting sealed bids in such manner as it prescribes. Sealed bids

35421. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. Highest responsible bidder

35422. If no bids are received, or if the legislative body determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale Rejection, readvertise, etc.

35423. The proceeds of the sale of the bonds shall be placed in the city treasury to the credit of the proper district fund and applied exclusively to the objects and purposes mentioned in the ordinance establishing the district, or to the objects and purposes as modified pursuant to Section 35401, and the payment of the incidental expenses in connection therewith. Proceeds

35424. The proceeds may be used to pay the interest on the bonds during the period of construction of any parking place and for a period of six months thereafter, except that the total period during which interest is paid from the proceeds shall not exceed three years from the date of the bonds. Payment of interest

35425. The bonds and the interest coupons thereof shall be negotiable instruments. Negotiable instruments

35426. With the proceeds from the sale of the bonds and with any money which the city has agreed to contribute for the purpose, the city by and through its proper officers shall make the acquisitions and improvements finally determined upon. Acquisitions and improvements

35427. All contracts for the construction of any improvements shall be let and entered into as other contracts are let and entered into by the city. Contracts

35428. When the acquisitions and improvements have been accomplished, any unexpended bond proceeds shall be placed in the fund for the payment of principal and interest of the outstanding bonds and shall be used for no other purpose. Unexpended bond proceeds

35429. After the bonds and all interest thereon have been fully paid, or prior thereto to the extent permitted by express provision of the ordinance, resolution, or indenture providing for the issuance of the bonds, all revenues derived from the Excess revenue from parking

operation of the parking facilities and not required for the operation and maintenance of the facilities may be used for the further improvement of the facilities for the benefit of the district, as the parking place commission of the district may decide. Any excess revenues shall be paid into the general fund of the city or the fees and charges reduced so that there will be no excessive revenue.

CHAPTER 4. PARKING PLACE COMMISSION

Parking place commission.

35550. Immediately upon the acquisition of the parking places, a parking place commission shall be appointed. In the discretion of the legislative body, the commission may be appointed at any time prior to such acquisition and after the adoption of the ordinance declaring the district formed.

Members

35551. The commission shall consist of three members, each of whom shall be a resident and qualified elector of the city.

Compensation

35552. Members of the commission shall serve without compensation, unless the legislative body determines that compensation shall be paid and fixes the compensation to be paid from funds of the city.

Appointment, confirmation

35553. Members of the commission shall be appointed by the chief executive officer of the city, subject to confirmation by the legislative body.

Term

35554. The commissioners shall hold office for the term of three years from the date of their appointment and qualification and until their successors are appointed and qualify, except that members of the first commission appointed shall classify themselves by lot so that one member holds office for one year, one for two years, and one for three years, and, in each instance, until a successor has been appointed and qualified.

Removal

35555. A commissioner may be removed by a four-fifths vote of the legislative body at any time.

Experience, etc.

35556. Commissioners shall be persons of business experience and ability, to the end that the affairs of the district shall be administered in the interests of the district.

Removal Petition, ineligibility to hold office

35557. Whenever a petition signed by the owners of real property in the district of an assessed value of more than fifty percent (50%) of the total assessed value of the taxable real property in the district, as shown by the last equalized assessment roll, requesting the removal of a commissioner is filed with the legislative body it shall immediately remove him and appoint a new commissioner. The commissioner removed is ineligible to hold office as a commissioner of the district for one year following his removal.

Possession, jurisdiction, etc.

35558. The parking places acquired are under the possession, jurisdiction, and control of the commission of the district.

Operation, etc., and rules

35559. The commission shall operate, manage, and control the parking places and make and enforce all necessary rules for their use.

Rentals, fees, etc.

35560. The commission shall fix, regulate, and collect rentals, fees, or other charges for the parking of vehicles in parking

places under its control, and may provide different rates for different classes of customers or users.

35561. The providing of adequate public parking places in cities largely depends upon the formation of parking districts. Such districts will be created and will be successful only if so operated as to serve adequately the property within the district. It is the intent of this part that the owners of real property in a parking district created pursuant to this part to provide parking places to solve the parking problems of the district may receive preferential rates, charges, or rentals for themselves, their tenants, and the classes of persons who call upon or do business with them, all to the end that the property which bears the burden and provides a solution for the parking problem shall receive a special benefit. Legislative intent

35562. All parking places acquired and constructed pursuant to this part are public parking places, but the commission may restrict or partially restrict their use to owners and tenants of real property in the district, and classes of persons designated by such owners or their tenants and may establish rates, charges, or rentals for the owners and tenants of such properties and classes of persons designated by the owners or tenants which differ from and are less than the rates, charges, or rentals charged other persons. Restrictions as to use

35563. Rentals, fees, and charges shall be fixed after public hearing following such notice as the commission prescribes. Rentals, etc

35564. In the same manner as other city employees are selected, the commission shall appoint such employees as it deems necessary and may grant them the same rights, privileges, and benefits granted to other city employees. Employees Appointment, rights, etc

35565. So far as feasible, the commission shall fix such rentals, fees, or charges as will produce sufficient revenue, when added to the expected revenues from parking meters pledged to the payment of the bonds of the district, to pay the principal and interest of the bonds as they fall due. Fees, etc, to pay bond principal and interest

35566. The commission shall fix the rentals, fees, or charges so that they will not produce revenues, when added to the expected revenues from parking meters pledged to the payment of bonds of the district, in excess of the amount required to pay the costs of operation and the principal and interest of the bonds as they fall due.

35567. The commission shall abide by all covenants made by the legislative body in the issuance of the bonds. Covenants

35568. In the exercise of its power to operate, manage, and control parking places, the commission may lease any or all parking places to any person for the sole purpose of the operation of public parking facilities on them by such person, or may make a contract with any person for such purpose. The consideration to be paid by the operator for any lease or under any contract may be a fixed sum or a percentage of gross rentals, fees, or charges collected by the operator, or any other consideration. Lease or contract

Maximum rentals, fees, etc

35569. The maximum rentals, fees, and charges to be collected by the operator shall be fixed by the commission after public hearing following such notice as the commission prescribes, and shall be recited in the lease or contract. No higher rentals, fees, or charges shall be collected by the operator without amendment of the lease or contract agreed to by the commission after like public hearing.

No other business

35570. The commission or any operator shall not conduct any business other than that of the operation of public parking facilities on any parking place of the district.

Use restricted

35571. Any lease or contract may provide that the use of the parking places shall be restricted, or partially restricted, to owners and tenants of real property in the district, and classes of persons designated by them, and may provide for maximum rates, charges, or rentals for such persons which differ from and are less than the maximum rates, charges, or rentals charged other persons.

Contracts and leases of parking places

35572. To provide revenues for the district, at any time prior to the formation of the district, or after the formation of the district and prior to the appointment of a commission, the legislative body conducting the proceeding for the formation of the district may enter into a contract or lease with any owner or tenant of property in the district under which the owner or tenant, for a specified rental or other consideration and for a specified period not exceeding 10 years, reserves a reasonable proportion or number of parking spaces in a parking place of the district for the use of the owner or tenant of such property, the employees of the owner or tenant performing services on the property, and the customers of, or other classes of persons designated by, the owner or tenant and entering the property as invitees or otherwise. After the appointment of a commission, the commission may make such contracts or leases.

No commission appointed, dissolving existing commission

35573. If the petition for the formation of a district under this part expressly so authorizes, at any time and following a hearing after such notice as the legislative body prescribes, it may determine that no parking place commission shall be appointed for such district, or if the commission has been appointed, may dissolve the commission. In either event, the legislative body shall thereafter have all powers, jurisdiction, and authority granted to, and all duties imposed upon, the commission pursuant to this part. The legislative body at any time thereafter may appoint or reappoint a commission

CHAPTER 5. MISCELLANEOUS

Parking meters

35700. Notwithstanding any agreement made pursuant to this part, as a covenant to bondholders or otherwise, to maintain parking meters on specified public ways in the district, parking meters need not be maintained:

(a) On any public way which has become a "freeway" or a "state highway" as defined in Sections 23.5 and 24.

(b) At any time and so long as both (1) the net revenues from the parking places of the district during each of the two

next previous fiscal years and available for the payment of principal and interest on the bonds of the district equaled or exceeded one and one-half times the principal and interest which has or will come due during the current fiscal year, and (2) the money in the fund to pay principal and interest on the bonds equals or exceeds all amounts coming due on principal and interest during the next following 12 months.

(c) At any time and so long as the money in the fund to pay principal and interest on the bonds of the district equals the total of the outstanding bonds and interest thereon to maturity

(d) At any time after the bonds of the district and the interest thereon have been fully paid.

(e) On a public way, or portion thereof, if the holders of not less than sixty percent (60%) of the outstanding bonds have agreed in writing that the maintenance of parking meters on the public way, or portion thereof, may be discontinued.

35701 Any agreement to maintain parking meters on a public way shall not affect the right of a city, acting by virtue of its police power, to control, regulate, or prohibit the parking of vehicles on any public way, or portion thereof, to the extent necessary to protect the public safety. Control, regulation, etc., of parking

35702. All property acquired pursuant to this part shall be condemned or acquired in the name of the city, and title to such property shall be in the city, subject to the provisions of this part. Acquisitions, title to property

35703. Any charter city using the provisions of this part may by ordinance modify the procedure specified by this part. Modification by chartered city

35704. After the bonds and all other indebtedness of the district have been fully retired, the legislative body may provide for the dissolution of the district and the operation of the parking places by the city as city parking places. Dissolution of district

SEC. 6. The following acts are repealed: Repeal

Year	Chapter	Page
1913	247	421
1951	633	1811
1951	1321	3207
1951	1707	3919

CHAPTER 193

An act to amend Sections 16, 215, 225, 228, 232, 236, 238, 256, 269, 431, and 644 of, and to add Section 326 to, the Military and Veterans Code, relating to the military forces of the State, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 14, 1953.] In effect immediately

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

SECTION 1. Section 16 of the Military and Veterans Code is amended to read:

Administering oaths

16. An oath authorized or required by Division 2 of this code or the regulations issued thereunder or the statutes or regulations governing the United States Army or United States Navy or United States Air Force or the National Guard or the Air National Guard or active militia may be taken before the following persons who are authorized to administer the same within and without the State, namely: all officers and persons authorized to administer oaths by the 136th Article of the Uniform Code of Military Justice adopted by Section 102 as part of this code, the Adjutant General, the Assistant Adjutant General, the administrative officer in the Office of the Adjutant General, officers of the National Guard when such oath is authorized or required in a matter pertaining to the National Guard, and officers of the Naval Militia when such oath is authorized or required in a matter pertaining to the Naval Militia, except officers of both land and naval forces on the reserve and retired list while unassigned to duty, or by any other officer authorized to administer oaths under the laws of this State. No charge shall be made for the same.

In other cases where an oath is required by this code, the same may be administered by persons authorized to do so by law

SEC 2. Section 215 of said code is amended to read:

Credit for time previously served

215. For all purposes under this code, commissioned officers, warrant officers and enlisted men of the California National Guard, California Air National Guard and California National Guard Reserve who have heretofore or hereafter performed service in the United States Army, United States Air Force, United States Navy, or any reserve component thereof shall be entitled to credit for time so served as if such service had been rendered in the state forces. Service in the state forces shall include all full-time active duty performed heretofore or hereafter either as an enlisted man, warrant officer or commissioned officer pursuant to any prior or present section or sections or provisions of this code

SEC. 3 Section 225 of said code is amended to read:

Warrant officers

225. Warrant officers of the National Guard shall be appointed by the Governor. The classes of persons from which warrant officers may be appointed shall be the same as are provided in the rules and regulations adopted by the United States for the control, administration and government of the National Guard so far as the same are not inconsistent with this code Warrant officers shall be separated from the service, discharged and dismissed and shall have the same privileges respecting retirement as commissioned officers, and shall have all other powers, privileges and duties authorized by the laws and regulations of the United States and customs of the service.

SEC. 4. Section 228 of said code is amended to read:

Officer retirement

228. Any commissioned officer or warrant officer who has served 20 years in the military or naval service of the State, or for 20 years partly in one and partly in the other, may upon his own application, in the discretion of the Governor, be retired and may, within one year of such retirement, be placed upon the

retired list with an increase in rank of one grade above that held by him on the date of his application. Service in the United States Army, United States Air Force, United States Navy, or any reserve component thereof shall be considered as state service in computing length of state service for the purposes of this section.

Officers and warrant officers on active duty with the Office of the Adjutant General pursuant to the provisions of Sections 142, 167, 320 and 340 of this code who have been on active duty with the Office of the Adjutant General for a total period of 10 years shall upon their own application be retired in accordance with the federal law, statutes, rules and regulations which on the date of such application govern the retirement of commissioned officers and warrant officers of the reserve components of the Army of the United States on extended active duty. In such cases the length of service shall be computed as provided in this section and Section 215 of this code.

SEC. 5. Section 232 of said code is amended to read:

Vacation of commission

232. The commission of an officer shall be vacated by death, by acceptance by proper authority of resignation, by discharge on account of inefficiency, for physical disqualifications, when dropped from the rolls for an absence without leave for three months, by permanent change of residence to a place outside this State, by discharge to accept a commission in the United States Army, United States Air Force, United States Navy, or a reserve component thereof, or by dismissal pursuant to sentence of a general court-martial.

SEC. 6. Section 236 of said code is amended to read:

Officer absent without leave

236. An officer absent without leave for a period of three months shall, with the approval of the Governor, be discharged Such discharge shall be a general discharge under honorable conditions.

SEC. 7. Section 238 of said code is amended to read:

Prohibitions

238. No officer who has been dismissed from the military or naval service of the State shall be permitted again to enter the military or naval service of the State without the approval of the Governor of this State. No officer who has resigned for the good of the service, or who has been discharged under conditions other than honorable on account of inefficiency, or on account of absence without leave, shall be permitted to enter the military or naval service of the State without the approval of the Governor of this State.

SEC. 8. Section 256 of said code is amended to read:

Enlisted man retirement

256. Any enlisted man who has served 20 years in the military or naval service of the State, or for 20 years partly in one and partly in the other, may upon his own application, in the discretion of the Governor, be retired and placed on the retired list with an increase in rank of one grade above that held by him on the date of application. Service in the United States Army, United States Air Force, United States Navy, or any reserve component thereof shall be considered as state service in computing length of state service for the purposes of this

section. An enlisted man who has attained the highest enlisted grade at the date of his said application may be retired in the discretion of the Governor and placed on the retired list in the lowest commissioned grade or rank in his branch of service.

An enlisted man on active duty with the Office of the Adjutant General pursuant to the provisions of Sections 142, 167, 321 and 340 of this code, who has been on active duty with the Office of the Adjutant General for a total period of 10 years shall upon his own application be retired in accordance with the federal law, statutes, rules and regulations which on the date of such application govern the retirement of enlisted men of the reserve components of the Army of the United States on extended active duty. In such cases the length of service shall be computed as provided in this section and Section 215 of this code.

SEC. 9. Section 269 of said code is amended to read:

Prohibitions

269. No enlisted man who has been dishonorably discharged from the military or naval service of this State, or of another state, territory or district, or of the United States shall be permitted to enter again the military or naval service of this State without the approval of the Governor of this State.

SEC. 10. Section 326 is added to said code, to read:

Active duty

326. Commissioned officers, warrant officers and enlisted men or enlisted women and former commissioned officers, warrant officers and enlisted men or enlisted women of the United States Army, United States Air Force, United States Navy, or any reserve component thereof, California National Guard, California Air National Guard, California National Guard Reserve, California Defense and Security Corps, California State Guard, California Reserve and Retired List or the active militia, may, with his or her consent, be detailed for active duty with a security section which the Adjutant General is hereby authorized to maintain in his office. A commissioned officer, warrant officer or enlisted man or enlisted woman who is detailed for duty as provided in this section may be paid compensation in any grade or rank lower than such person actually holds provided such commissioned officer, warrant officer or enlisted man or enlisted woman voluntarily waives all compensation in excess of such lower grade or rank.

SEC. 11. Section 431 of said code is amended to read:

Adjutant General Armories

431. The Adjutant General shall have the power to, either directly or through armory boards, lease or otherwise authorize the use of, by any person for any lawful purpose, manage, supervise all activities in, perform all necessary military duties with respect to and control all armories that are built or acquired by the State, that come into possession or control of the State, or that are erected, purchased, leased, or provided or contributed to in whole or in part by any city or county, or other political subdivision of the State or public corporation or district or by anyone for armory purposes. All revenues or income from any armory shall be paid and deposited pursuant to rules and regulations adopted by the Adjutant General and

may, at the direction of the Adjutant General, be paid directly to the Adjutant General or to armory boards, which shall account for the same to the Adjutant General. Such revenue or income shall be used by the Adjutant General or said armory boards for military purposes, which shall include but not be limited to payment of necessary armory maintenance, repairs, improvements or other required armory expenses, and assistance and allowances to units and organizations of the active militia, including the National Guard and Air National Guard. Post, welfare or similar unit or organizational funds may be established and deposited pursuant to rules and regulations adopted by the Adjutant General.

SEC. 12. Section 644 of said code is amended to read:

644. A service medal or bar shall be issued for 10 years' service in the California National Guard or the California Air National Guard or the Naval Militia, and for each period of five years of service thereafter. Such medal or bar shall be issued to those entitled to the same upon application. A service medal or bar may be issued for service in the California Defense and Security Corps and the California National Guard Reserve from September 27, 1950, to September 27, 1952, during which period the Congress consented to the maintenance of such a military force by this State. Service medal or bar

SEC. 13. 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: Urgency

The proper functioning of the California National Guard is an important and integral part of the defense preparations of the State. The international situation requires immediate changes in administrative organization and procedures which control, and in the status and employment of the California National Guard. It is imperative that during the present emergency adequate provisions be immediately made concerning the use and operation of the state military forces.

CHAPTER 194

An act making an appropriation for construction, improvements, repairs, and equipment of a hospital annex and alterations to existing hospital at Pacific Colony, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 14, 1953.] In effect immediately

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

SECTION 1. The sum of two million four hundred seventy-four thousand eight hundred seven dollars ($2,474,807) is hereby appropriated from the Capital Outlay and Savings Fund Appropriation Pacific Colony

in the State Treasury for construction of hospital annex and alterations to existing hospital at Pacific Colony, to be expended under the provisions of the Budget Act of 1952, in accordance with the following schedule:

(a) Construction	$2,430,807
(b) Equipment	44,000
Total of Schedule	$2,474,807

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

Existing hospital facilities at Pacific Colony are inadequate for the present patient population and will be totally inadequate when the 12 new ward buildings now under construction are completed increasing the population of the hospital by 936 additional patients.

These 12 ward buildings will be ready for occupancy by July, 1954, and it is imperative, therefore, that the construction of a hospital treatment center be expedited so that it may be completed by July, 1954, to provide the necessary medical and surgical treatment for the mentally deficient patients of said hospital.

CHAPTER 195

An act to amend Section 28153 of the Government Code, and Section 453 of the Education Code, relating to compensation and qualifications for public services in counties of the fifty-third class.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 14, 1953.]

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

SECTION 1. Section 28153 of the Government Code is amended to read:

Del Norte County, Salaries

28153. In a county of the fifty-third 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, two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year and such fees as are paid to that officer.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year and seven cents ($0.07) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

SEC. 2. Section 453 of the Education Code is amended to read:

453. The annual salary of the county superintendent of schools of a county of the fifty-third class is six thousand five hundred dollars ($6,500), and he shall possess a valid elementary or secondary administration credential issued by the State Board of Education.

CHAPTER 196

An act to codify Chapter 1514 of the Statutes of 1945 and Chapter 142 of the Statutes of the 1946 First Extraordinary Session, relating to the control, conservation, and use of the water resources of the State, and continuing a special fund in the State Treasury for flood control projects and allocations for certain projects, by adding Part 6 to Division 6 of the Water Code, and repealing Chapter 1514 of the Statutes of 1945 and Sections 1 to 11, inclusive, and Sections 16 and 17 of Chapter 142 of the 1946 First Extraordinary Session.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 14, 1953.] In effect September 9, 1953

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

SECTION 1. Part 6 is added to Division 6 of the Water Code, to read:

PART 6. WATER DEVELOPMENT PROJECTS

CHAPTER 1. INVESTIGATION OF PROJECTS

Article 1. Short Title

12570. Chapters 1 and 2 of this part shall be known and may be cited as "The State Water Resources Law of 1945." Short title

Article 2. Definitions

Definitions

12571. The definitions in this article govern the construction of this part.

12572. "Board" means the State Water Resources Board.

12573. "Lands, easements and rights of way" includes lands and rights or interests in lands whereon channel improvements and channel rectifications are located; lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements and rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads; and including the cost of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by such channel improvements and rectifications.

Article 3. Declarations of Policy

Declaration of state interest

12578. It is hereby declared that the people of the State have a primary interest in the control and conservation of flood waters, prevention of damage by flood waters, the washing away of river and stream banks by floods, and in the determination of the manner in which flood waters shall be controlled for the protection of life and property and the control, storage, and use of the State's water resources in the general public interest.

Detrimental to state welfare, etc

12579. It is hereby declared that recurrent floods on streams and rivers, and other waterways of the State, causing loss of life and property, disruption of commerce, interruption of transportation and communications, and wasting of water, are detrimental to the peace, health, safety, and welfare of the people of the State. The control, storage and full beneficial use of flood waters, and the prevention of damage by flood waters, and the washing away of river and stream banks by floods are proper functions and activities of the State, in cooperation with counties, cities, state agencies and public districts, and in cooperation with the United States, or any of its departments or agencies.

Water development projects, etc

12580. It is further declared that the State should engage in the study and coordination of all water development projects, including flood control projects, undertaken by counties, cities, state agencies and public districts, and the United States or any of its departments or agencies in order that such allocations and appropriations as are made by the State Legislature for such purposes will be expended upon those projects which are most beneficial to the State, and which will bring maximum benefits to the people of the State from the expenditure of public funds, and also that the State should participate in the construction of flood control works and projects and render beneficial aid thereto, when the benefits are in excess of the estimated cost.

Consideration to beneficial uses

12581. In studying water development projects, full consideration shall be given to all beneficial uses of the State's

water resources, including irrigation, generation of electric energy, municipal and industrial consumption of water and power, repulsion of salt water, preservation and development of fish and wildlife resources, and recreational facilities, but not excluding other beneficial uses of water, in order that recommendations may be made as to the feasibility of such projects and for the method of financing feasible projects.

Fish and wildlife values

12582. Fish and wildlife values, both economic and recreational, shall be given consideration in any flood control or water conservation program. In the design, construction, and operation of projects, when engineering and economic features of the project make it practicable, adequate provisions shall be made for the protection of migratory fishes, and the designs for structures and facilities required for such protection shall be prepared in cooperation with the United States Fish and Wildlife Service and the California Department of Fish and Game.

Legislative intent

12583. It is the intention of the Legislature that it will be the policy of the State that the amount of financial assistance to be given by the State to each project adopted and authorized for state assistance by the Legislature pursuant to the provisions of Chapters 1 and 2 of this part, shall be limited to the cost of land, easements, and rights of way necessary in connection with the construction of any such project.

Appropriations by State

12584. Notwithstanding all other provisions of Chapters 1 and 2 of this part, appropriations will be made by the State, from time to time by law, to pay for the cost of cooperation on all flood control projects as required by the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), and by the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-seventh Congress, First Session), and which projects have by this part prior to September 22, 1951, been adopted and authorized for state assistance by the Legislature, and for which appropriations or allocation of funds have been made by the State prior to such date.

Costs of local cooperation

12585. In the event that the Congress after September 22, 1951, authorizes and approves projects, wherein financial assistance is required of local agencies of this State by the Federal Government, similar to the provisions of Public Law, Numbered 534, Seventy-eighth Congress, Second Session, and such projects are recommended for state assistance by the board and approved by the Legislature, including all projects adopted and authorized by the State for which no appropriations or allocations have been made, it is the intention of the Legislature that it will be the policy of the State to pay the costs of local cooperation required by the acts of Congress, except that such costs shall be limited to the cost of all lands, easements and rights of way necessary for the construction of such projects

Federal-state contract

12586. It is the intention of the Legislature that nothing in Chapters 1 and 2 of this part shall be deemed to change the policy of the State respecting that certain contract entered into

between the Federal Government and the State of California made pursuant to an act of Congress of the United States, approved May 15, 1928 (Public, Numbered 391, Seventy-seventh Congress, First Session, 45 Statutes at Large 534, Chapter 569), and an act of the Legislature, approved May 4, 1925 (Chapter 176, Statutes of 1925, Section 8525 of this code), nor shall anything in Chapters 1 and 2 of this part be deemed or construed to modify, limit or take away from the powers and duties vested in the Department of Public Works by any law or in the State Reclamation Board pursuant to the provisions of Part 4, Division 5, of this code.

Article 4. The State Water Resources Board

State Water Resources Board

12591. There is in the State Government the State Water Resources Board consisting of seven members who shall be appointed by the Governor subject to the confirmation of the Senate, as provided in this article.

Qualification of members

12592. The members of the board appointed by the Governor shall be selected and approved for appointment on the basis of their general educational and business qualifications, and their knowledge of, interest in, and experience with problems relating to the control, storage, and beneficial use of water. They shall be appointed in such a manner as to afford representation on the board of all parts of the State so far as it is practicable. In considering qualifications of members of the board, engineering ability and experience shall be deemed advisable.

Terms

12593. The terms of the members of the board in office when this part takes effect shall expire as follows: one member on January 15, 1954, two members on January 15, 1955, two members on January 15, 1956, and two members on January 15, 1957.

12594. Appointments shall be for terms of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

Senate confirmation

12595. The appointments made by the Governor to membership on the board shall be subject to confirmation by the Senate at the next regular or special session of the Legislature and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

Compensation

12596. Each member of the board shall receive twenty dollars ($20) for each day during which he is engaged in the performance of his official duties, but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars ($2,000). In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

Headquarters, meetings

12597. The board shall maintain its headquarters at Sacramento and shall hold meetings at such times and at such places as shall be determined by it.

12598. Special meetings may be called at any time by the chairman or by the secretary at the request of any four members, upon notice specifying the matters to be acted upon at such meeting, but no other matters shall be acted upon at special meetings which were not so noticed, unless all members are present and consent thereto.

Chairman

12599. The members of the board shall select one of the members to serve as chairman, who shall hold office as chairman at the pleasure of the board.

State Engineer, other assistants

12600. The State Engineer shall serve as secretary and as engineer to the board, without additional compensation. The board may employ other technical assistants as conditions require.

Policies, rules, etc

12601. The board shall establish general policies, prescribe rules and regulations for the general administration of Chapters 1 and 2 of this part, and may require such information as it deems necessary.

Conferences, hearings, etc

12602. The board, or a representative authorized by the board to do so, may call, conduct or attend conferences or hearings, official or unofficial, within or without this State, or otherwise participate in such conferences or hearings, with interested persons, agencies or officers, of this or any other state, or with the Congress of the United States, congressional committees, or officials of the Federal Government, concerning water projects, plans, or problems.

Federal activities, etc

12603. The board shall keep itself informed as to any activities, requirements or procedures of the United States, its departments or agencies affecting any proposed water project within the scope of Chapters 1 and 2 of this part, including flood control, water conservation, domestic and irrigation use, and power development, but not excluding other uses.

State representation

12604. As to any matter involving the United States, its departments or agencies, which is within the scope of the powers and duties of the board, the board may represent the interests of the State or any county, city, state agency or public district, and to that end may correspond, confer and cooperate with the United States, its departments or agencies, and where necessary the members of the board may travel either within or without the State.

Artificial rainfall

12605. The board may contract with public and private organizations and persons for research relative to the production and control of rainfall by artificial means.

Hearings and investigations

12606. The board may hold hearings and conduct investigations in any part of the State and for such purposes has the powers conferred upon heads of departments of the State by Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

12607. Any hearing or investigation by the board may be conducted by any member, or by a committee of members of the board and the member or committee shall have and exercise such powers of the board as the board may prescribe.

Parties

12608. At any hearing by or on behalf of the board any county, city, state agency, including the Department of Fish and Game, public district, association, or any person affected by or interested in the control, storage, and use of water resources, involved in the hearing may appear and present any petition, evidence, testimony, plan, data, information, or opinion bearing on the subject matter of the hearing including an evaluation of loss and damage to fish and other natural resources.

Powers and duties

12609. As a further means of carrying out the policies defined in Sections 12578 to 12582, inclusive, the department, acting through the State Engineer, shall cooperate with the board and shall have the following powers and duties:

(a) Collect and file data.

(b) Make necessary studies and surveys.

(c) Make investigations and participate in the hearings held by the board.

(d) Prepare plans and estimates of cost and benefits of all proposed water development projects.

(e) Determine the damage created by flood waters.

(f) Encourage the creation and development of flood control and water conservation plans and activities of the several counties, cities, state agencies, and public districts

(g) Advise and assist the board in making its recommendations to the Legislature.

(h) Cooperate with the United States or any of its departments or agencies in carrying out measures for control, storage or use of waters on streams, rivers or other waterways, and the watersheds thereof within this State which are authorized and adopted pursuant to an act of Congress of the United States, approved June 22, 1936, entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," together with amendatory or supplemental legislation adopted by Congress.

Travel, consultation, etc.

12610 In performing the duties prescribed in Section 12609, the department, acting through the State Engineer, may travel either within or without the State and shall consult and cooperate with the officials and engineers of the counties, cities, state agencies, or public districts affected.

Cooperation with county, city, etc

12611. The department, acting through the State Engineer, may cooperate with any county, city, state agency or public district on flood control and other water problems and when requested by such county, city, state agency or public district, may enter into cooperative agreements to prepare plans and specifications, construct, or maintain and operate projects or expend money in behalf of such county, city, state agency or public district, to accomplish the purposes of Chapters 1 and 2 of this part.

12612. Neither the department nor the board shall have the authority to undertake the construction of flood control or other water projects provided for under Chapters 1 and 2 of this part nor shall have authority to obligate any county, city, state agency, or public district in any way except upon the formal request of such county, city, state agency or public district.

Article 5. Investigation of Water Development Projects

12616. The board may conduct investigations of the water resources of the State, formulate plans for the control, conservation, protection, and utilization of such water resources, including solutions for the water problems of each portion of the State as deemed expedient and economically feasible, and may render reports thereon. Investigations and formulation of plans, etc

12617. The board, upon its own initiative, or when requested in writing by a county, city, state agency or public district, may investigate, conduct surveys and studies, prepare plans and estimates, and render reports concerning control, conservation, protection, and utilization of water resources, including recommendations for plans and projects. The board may at any time in its discretion enlarge or restrict the scope of any investigation, survey or study as it may determine the public interest requires.

12618. The board may recommend the construction of any project, including the time for constructing it, and the amount of funds which should be allocated or appropriated to counties, cities, state agencies or public districts for the project. Construction recommended

12619. Reports and recommendations shall be submitted by the board to each county, city, state agency, or public district which has appeared at any hearing held pursuant to Section 12623. Reports, recommendations

12620. Within 90 days from the date of submission of the report and recommendations of the board, or within such extended period as the board may grant for good cause shown, the written views and recommendations of each county, city, state agency or public district which has appeared at any hearing may be submitted to the board. Submission of county, city, etc., recommendations

12621. After the expiration of the period or extended period for the submission of written views and recommendations, or prior thereto in the event all those entitled to submit written views and recommendations have done so, or have signified their intention not to do so, the board shall transmit (1) the board's report and recommendations to the Governor and to the Legislature together with (2) any submitted views and recommendations of the county, city, state agency, or public district and together with (3) such supplementary report and recommendations as the board may deem appropriate. Submission to Governor and Legislature

12622. Investigations which form the basis of any reports and recommendations of the board shall be conducted to the extent deemed practicable by the board in such a manner as to give to any interested county, city, state agency or district during the course of the investigations, information developed by the investigations, and opportunity for consultation and cooperation. Conducting investigations

12623. Prior to adoption of any report and recommendations authorized pursuant to Sections 12616 to 12622, inclusive, and Section 12626, the board shall hold a hearing or hearings pursuant to Sections 12602, 12606, 12607, and 12608 and give Hearings

notice thereof as provided for in Sections 12632, 12633, and 12634.

Total cost to State for lands, etc., in report

12624. In making recommendation to the Legislature respecting the amount of financial assistance to be given by the State, as provided for in Sections 12616 to 12623, inclusive, and Section 12626, the board shall recommend the total estimated amount which should be paid by the State for lands, easements and rights of way necessary in connection with the construction of any such project, and what proportion, if any, of the cost of the project should be paid by the county, city, state agency, or public district.

Damage to fish and wild life included

12625. In determining the cost of any project, damage to fish and wild life that will probably result must be included in the amount of the cost.

Reports, etc., advisory only

12626. Reports and recommendations made by the board shall be advisory only and the Legislature shall finally determine the priorities in building such projects and the amount of aid to each project which is approved.

Legislative intent

12627. It is the intention of the Legislature that the board shall investigate all phases of any proposed water project, including flood control, water conservation, domestic and irrigation use, and power development, but not excluding other uses, so that a county, city, state agency, or public district affected, and the Legislature, may have the benefit of investigations and recommendations of the board upon such projects in order to assure the fullest development of the water resources of the State.

Multiple-type project Financial assistance

12628. In a multiple-type project authorized and adopted by Congress, which includes, in addition to works for flood control purposes, works and construction for other than flood control purposes, only that portion of the project which is deemed by the board to be necessary for flood control purposes shall be eligible for financial assistance from the State.

Method of financing

12629. In a multiple-type project which includes works and construction for flood control and for other than flood control purposes, and in projects which do not include any flood control works or construction, the board may recommend to the Legislature and to the United States, or any of its departments or agencies, the method of financing such works and construction.

Estimate of cost from Federal Government

12630. Prior to recommending to the Legislature the approval for state assistance of any project, designed in whole or in part for flood control, adopted and authorized by Congress, and prior to the submission to the Legislature of an estimate of the total cost to the State, and prior to recommending an appropriation by the State in aid of any such project approved for state assistance by the Legislature, the board shall obtain from the appropriate agency of the Federal Government an estimate of the total cost of the project and the cost and benefit ratio, based upon then current construction costs and values, and shall submit the same to the Legislature.

Summarizing, publishing results of investigations, etc

12631. The board, in addition to the reports and recommendations made to the Legislature as provided in Sections

12616 to 12623, inclusive, and Section 12626 may from time to time summarize the results of its investigations, studies, activities, and recommendations relating to flood control and other water problems and report to the Governor, and may publish the report in such form as it deems suitable to inform the people of the State concerning such flood control and other water problems as come within the scope of Chapters 1 and 2 of this part.

Notice of hearing, etc.

12632. Prior to any hearing and prior to beginning any investigation of the water problems of any specific portion of the State pursuant to Section 12616 or any investigation pursuant to Section 12617, the board shall give such notice to the agencies or persons likely to be interested as it deems necessary to afford every opportunity for the agencies or persons to be heard, and in addition to such notice shall give further notice of any hearing or investigation by mail to any city, county, state agency, or public district, deemed likely by the board to be interested, which has filed its official name and address with the board together with a request for notice.

Requested notice

12633. Notice, to those who have filed and requested service by mail, shall be sent to the respective addresses of record at the time of mailing.

Other notice

12634. Notice given as provided in Sections 12632 and 12633 shall be deemed full and sufficient notice to all parties in interest of the hearing or investigation.

Chapter 2. Approved Projects

Article 1. General Provisions

Matter of public welfare

12639. The works of improvement for the control, conservation and utilization of destructive flood waters and the reclamation and protection of lands that are susceptible to overflow by flood waters, which are described in this chapter, are adopted and authorized in the interest of the public welfare of the people of this State to be prosecuted substantially in accordance with the plans in the respective reports designated in this chapter.

Applicability

12640. The provisions of Part 2 of this division shall be applicable to all water made available by the construction of the works of any project approved by Chapters 1 and 2 of this part. No priority under Part 2 shall be released nor assignment made of any appropriation that will, in the judgment of the Department of Finance, deprive the county in which the appropriated water originates of any water necessary for the development of the county.

Agreements with United States

12641. Any county, city, state agency or public district is authorized to make agreements with the United States or any of its departments or agencies obligating them to do or perform those things which are required of them by Chapters 1 and 2 of this part and by the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second

Session), and the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-eighth Congress, First Session).

Maintenance of flood control works, etc

12642. In all cases where the Federal Government does not maintain and operate projects, it is the responsibility and duty of the county, city, state agency, or public district affected to maintain and operate flood control and other works, constructed pursuant to Chapters 1 and 2 of this part, after their completion and hold and save the State and the United States free from damages.

Article 2. Projects in the Sacramento-San Joaquin Watersheds

Projects on Sacramento River

12648. The projects for the control of floods and other purposes on the Sacramento River adopted by the acts of Congress approved March 1, 1917, May 15, 1928, August 26, 1937, and August 18, 1941, and adopted and authorized by the Legislature by Chapter 25, Statutes of 1911, First Extra Session, Chapter 170, Statutes of 1913, Chapter 686, Statutes of 1915, and Chapter 176, Statutes of 1925, are adopted and authorized as modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 649, Seventy-eighth Congress, Second Session, except as provided in Section 12649, at an estimated additional cost to the State of three million three hundred twenty-six thousand dollars ($3,326,000), or such other project as shall finally be decided upon which will accomplish the same flood control purposes as proposed by the Table Mountain Dam or any other dam across the Sacramento River in the same general vicinity, subject to modification that may hereafter be made by Congress.

Legislative intent

12649. It is the intention of the Legislature that, if a feasible plan can be found which will provide adequate flood control in the upper Sacramento Valley without the necessity of constructing a dam across the Sacramento River at the Table Mountain site, or any other site in the same general vicinity and thereby prevent the necessity of flooding valuable agricultural land and at the same time prevent damage to the fishing resources of the Sacramento River, such alternate plan should be adopted.

Merced County Stream Group

12650. The plan of improvement for flood protection on various streams in the Merced County Stream Group in the San Joaquin Valley is adopted and authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 473, Seventy-eighth Congress, Second Session, at an estimated cost to the State of sixty-one thousand three hundred dollars ($61,300).

Lower San Joaquin River

12651. The plan of improvement for flood control and other purposes on the Lower San Joaquin River and tributaries, including Tuolumne and Stanislaus Rivers, is adopted and authorized in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered

2, Seventy-eighth Congress, Second Session, at an estimated cost to the State of eight hundred ninety-four thousand dollars ($894,000).

Calaveras River and Littlejohn Creek

12652. The plan of improvement for flood control and other purposes on the Calaveras River and Littlejohn Creek and tributaries is 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).

12653 The plan of improvement on the Calaveras River and Littlejohn Creek includes 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 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 board.

Fresno County Stream Group

12654. The project for the Fresno County Stream Group for flood control is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 845, Seventy-sixth Congress, Third Session, at an estimated cost to the State of one hundred seventy-nine thousand five hundred dollars ($179,500).

Tuolumne River projects

12655. The City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District shall give assurances satisfactory to the Secretary of War that the local cooperation required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), will be furnished by the City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District in connection with the flood control projects within the watershed of the Tuolumne River, adopted and authorized in Section 12651, except insofar as the projects include channel improvement works and levees.

12656. The City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District, in conjunction with the War Department, shall execute the plans and projects within the watershed of the Tuolumne River, referred to in Section 12651, except insofar as the plans and projects relate to channel improvement works and levees, and may make such modifications to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satis-

factory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session) and Section 2 of the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-eighth Congress, First Session), will be furnished by the State in connection with the flood control projects authorized and adopted in Sections 12648, 12650, 12651, 12652, and 12654 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley hereafter approved and authorized by Congress.

Reclamation Board Execution of plans, etc

12658. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board, in conjunction with the War Department, shall execute the plans and projects referred to in Section 12657 and exercise all powers granted to it in Part 4, Division 5, of this code. The Reclamation Board may make such modifications and amendments to the plans as may be necessary to execute them for the purposes stated in Chapters 1 and 2 of this part.

Folsom Reservoir on American River

12659. The project for the Folsom Reservoir on the American River is adopted and authorized substantially in accordance with the plans contained in House Document Numbered 649, Seventy-eighth Congress, Second Session, with such modifications as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, and without cost to the State.

Isabella Reservoir on Kern River

12660. The project for the Isabella Reservoir on the Kern River for flood control and other purposes in the San Joaquin Valley is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated January 26, 1944, contained in House Document Numbered 513, Seventy-eighth Congress, Second Session, without cost to the State.

Terminus and Success Reservoirs on Kaweah and Tule Rivers

12661. The plan for the Terminus and Success Reservoirs on the Kaweah and Tule Rivers for flood control and other purposes in the San Joaquin Valley is adopted and authorized in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered 1, Seventy-eighth Congress, Second Session.

Kings River and Tulare Lake Basin

12662. The project for flood control and other purposes for the Kings River and Tulare Lake Basin is adopted and authorized substantially in accordance with the plans contained in House Document Numbered 630, Seventy-sixth Congress, Third Session, with such modifications as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, without cost to the State. The conditions of local cooperation specified in the document shall not apply.

Article 3. Projects in Other Watersheds

Ventura River projects

12671. The projects on the Ventura River and tributaries for flood protection at Ventura and Ojai, California, are

adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 323, Seventy-seventh Congress, First Session, at an estimated cost to the State of one hundred thirty-nine thousand dollars ($139,000).

12672. The Ventura County Flood Control District shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), will be furnished by the Ventura County Flood Control District in connection with the flood control project adopted and authorized in Section 12671.

Santa Clara River

12673. The project for construction of flood control protection along the Santa Clara River, and its tributaries, is approved and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 443, Eightieth Congress, First Session, and authorized by act of Congress approved June 30, 1948, Public Law 858, Eightieth Congress, Second Session, at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon approval of the general plan of improvement by, and the recommendation of, the board, when funds for carrying out the project are appropriated by Congress.

Ventura County Flood Control District Assurances of cooperation, etc

12674. The Ventura County Flood Control District shall give assurances satisfactory to the Secretary of the Army that local cooperation, required by Section 201 of the act of Congress approved June 30, 1948 (Public, Numbered 858, Eightieth Congress, Second Session), will be furnished by the Ventura County Flood Control District in connection with the flood control project adopted and authorized in Section 12673.

12675. The Ventura County Flood Control District, in conjunction with the War Department, shall execute the plans and projects referred to in Sections 12671 and 12673 and exercise all powers granted to it in the Ventura County Flood Control Act, and the district may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

Santa Ana River Basin

12676. The projects for the Santa Ana River Basin for the protection of Orange County, including the projects on Lytle and Cajon Creeks for flood protection at San Bernardino and Colton approved in the act of Congress approved June 22, 1936, as modified by the act of Congress approved June 28, 1938, are adopted and authorized substantially in accordance with the recommendations contained in the report of the Chief of Engineers dated February 11, 1944, at an estimated cost to the State of six hundred seventy-eight thousand dollars ($678,000).

San Bernardino County Flood Control District Assurances of cooperation, etc

12677. The San Bernardino County Flood Control District shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), will be furnished by

the San Bernardino County Flood Control District in connection with the flood control project adopted and authorized in Section 12676.

12678. The San Bernardino County Flood Control District, in conjunction with the War Department, shall execute the plans and projects referred to in Section 12676 and exercise all powers granted to it in the San Bernardino County Flood Control Act, and the district may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

Santa Ana River Basin Flood control

12679 The plan of improvement for flood control in the Santa Ana River Basin is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 135, Eighty-first Congress, First Session, and authorized by act of Congress approved May 17, 1950, Public Law 516, Eighty-first Congress, Second Session, at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon approval of the general plan of improvement by, and the recommendation of, the board, when funds for carrying out the project are appropriated by Congress.

Assurances of cooperation, etc.

12680. The San Bernardino County Flood Control District and the Riverside County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 201 of the act of Congress approved May 17, 1950, Public Law 516, Eighty-first Congress, Second Session, will be furnished by the districts in connection with the plan of improvement for flood control adopted and authorized in Section 12679.

12681. The San Bernardino County Flood Control District and the Riverside County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plan of improvement for flood control referred to in Section 12679 and exercise all powers granted by law to the districts, and the districts may make such modifications and amendments to the plan as may be necessary to execute it for the purposes of Chapters 1 and 2 of this part.

Los Angeles and San Gabriel Rivers and Ballona Creek

12682. The general comprehensive plan for flood control in the basins of the Los Angeles and San Gabriel Rivers and Ballona Creek are adopted and authorized as set forth in House Document Numbered 838, Seventy-sixth Congress, Third Session, and approved in the act of Congress approved August 18, 1941, at an estimated cost to the State of twenty-two million five hundred thousand dollars ($22,500,000).

Los Angeles County Flood Control District: Assurances of cooperation, etc

12683. The Los Angeles County Flood Control District shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session) and Section 2 of the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-eighth Congress, First Session), will be furnished by the Los Angeles County Flood Control District in connection

with the plan for flood control adopted and authorized in Section 12682.

12684. The Los Angeles County Flood Control District, in conjunction with the War Department, shall execute the plans and projects referred to in Section 12682 and exercise all powers granted to it in the Los Angeles County Flood Control Act, and the district may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

Pajaro River

12685. The plan of improvement for flood protection on the Pajaro River and tributaries is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 505, Seventy-eighth Congress, Second Session, at an estimated cost to the State of two hundred ninety-four thousand eight hundred forty dollars ($294,840).

Assurances of cooperation, etc

12686. The Counties of Santa Clara, Santa Cruz, and San Benito and the Monterey County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of War that the local cooperation required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), will be furnished by the counties and the district in connection with the flood control project authorized and adopted in Section 12685.

12687. The Counties of Santa Clara, Santa Cruz, and San Benito and the Monterey County Flood Control and Water Conservation District, in conjunction with the War Department, shall execute the plans and projects referred to in Section 12685, and may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

Los Angeles River Watershed

12688. The program on the Los Angeles River Watershed is adopted and authorized substantially in accordance with the recommendation of the Under Secretary of Agriculture in House Document Numbered 426, Seventy-seventh Congress, First Session, at an estimated cost to the State of one million eight hundred eighty-two thousand dollars ($1,882,000).

Los Angeles County Flood Control District Assurances of cooperation

12689. The Los Angeles County Flood Control District shall give the necessary assurances that the local cooperation required by the United States on the program mentioned in Section 12688 will be furnished by the district. It shall be the duty of the district to execute the plan with the United States and exercise all powers granted to it in the Los Angeles County Flood Control Act, and the district may make such modifications and amendments to the program as may be necessary to execute it for the purposes of Chapters 1 and 2 of this part.

Santa Ynez River Watershed

12690. The program on the Santa Ynez River Watershed is adopted and authorized substantially in accordance with the recommendations of the Acting Secretary of Agriculture in House Document Numbered 518, Seventy-eighth Congress, Second Session, and approved by the act of Congress approved December 22, 1944, Public Law 534, Seventy-eighth Congress,

Second Session, and as further authorized by act of Congress approved May 17, 1951, Public Law 516, Eighty-first Congress, Second Session, at an estimated cost to the State of one hundred six thousand dollars ($106,000).

County of Santa Barbara Assurances of cooperation

12691. The County of Santa Barbara shall give the necessary assurances that the local cooperation required by the United States on the program mentioned in Section 12690 will be furnished by the county. The county shall execute the plan with the United States, and may make such modifications and amendments to the program as may be necessary to execute it for the purposes of Chapters 1 and 2 of this part.

Acquisitions by United States

12692. Consent is hereby given to the acquisition of lands by the United States for the purposes within the scope of Section 13 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), in connection with the programs adopted and authorized in Sections 12688 and 12690. There shall be paid annually by the United States to the county in which any land acquired may lie, a sum equal to 1 percent of the purchase price paid for the lands, or, if not acquired by purchase, 1 percent of their valuation at the time of their acquisition.

San Diego River

12693. The project on the San Diego River for flood protection at San Diego is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 635, Seventy-seventh Congress, Second Session, without cost to the State.

San Diego River and Mission Bay

12694. The work of improvement on the San Diego River and Mission Bay, San Diego County, is adopted and authorized substantially in accordance with the report of the Chief of Engineers dated May 8, 1946, at an estimated cost to the State of one million eight hundred twenty-six thousand dollars ($1,826,000), and the work is found to be a work for the control of floods.

City of San Diego Assurances of cooperation, etc

12695. The City of San Diego shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 1 of the act of Congress approved July 24, 1946 (Public, Numbered 525, Seventy-ninth Congress, Second Session), will be furnished by the city in connection with the flood control project adopted and authorized in Section 12694.

12696. The City of San Diego, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12694, and the city may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

Conn Creek Reservoir

12697. The project for the Conn Creek Reservoir on Conn Creek for flood control and other purposes in the Napa River Basin is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 626, Seventy-eighth Congress, without cost to the State.

Russian River project

12698. The project on the Russian River for flood protection and water conservation in Sonoma and Mendocino Counties is adopted and authorized substantially in accordance with the

recommendations of the Chief of Engineers in House Document No. 585, Eighty-first Congress, Second Session, as authorized by act of Congress approved May 17, 1950, Public Law 516, Eighty-first Congress, Second Session, at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the State Water Resources Board, when funds for carrying out the project are appropriated by Congress.

Sonoma County Flood Control and Water Conservation District Assurances of cooperation, etc

12699. The Sonoma County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 201 of the act of Congress approved May 17, 1950 (Public Law 516, Eighty-first Congress, Second Session), will be furnished by the Sonoma County Flood Control and Water Conservation District in connection with the plan of flood control adopted and authorized in Section 12698.

12700. The Sonoma County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12698 and exercise all powers granted to it in the Sonoma County Flood Control and Water Conservation District Act, and the district may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

CHAPTER 3. FINANCING OF PROJECTS

Article 1. General Provisions

Short title

12800. This chapter shall be known and may be cited as "The Flood Control Fund Law of 1946."

12801. As used in this chapter:

Definitions

(a) "Public agency" means any state agency, county, city and county, city, or district of the State, except the board.

(b) "Flood control project" means any project heretofore or hereafter adopted and authorized by the Congress requiring local cooperation for flood control purposes.

12802. In pursuance of the policy declared in Chapters 1 and 2 of this part, the Legislature finds a state interest in assuming the cost of cooperation by the State with the United States in the construction of flood control projects to the extent provided in Chapters 1 and 2 of this part.

Legislative intent Costs

12803. The Legislature intends that from time to time by law allocations from the Flood Control Fund of 1946 will be made to pay for the cost of all lands, easements, and rights of way necessary for the construction of flood control projects adopted and authorized by the Legislature prior to March 12, 1946, and also those adopted and authorized on or after that date by the Congress of the United States, recommended by the board, and approved by the Legislature, in the order in which the Congress makes available funds for their construction.

Article 2. The Flood Control Fund of 1946

Flood Control Fund of 1946

12810. The Flood Control Fund of 1946 is continued as a special fund in the State Treasury, the moneys, securities, and increment of which shall be held in trust by the State Treasurer for the purposes for which appropriated, to be expended when allocated by legislation to pay the cost of cooperation by the State with the United States in the construction of projects for flood control.

Contents

12811. The Flood Control Fund of 1946 consists of:

(a) Such appropriations as the Legislature makes to the fund.

(b) All securities acquired by and from the use of moneys of the fund, together with all increment directly or indirectly resulting from such securities.

Excess moneys

12812. The Director of Finance shall cause all moneys in the fund which are in excess of current requirements to be invested and reinvested, from time to time, in securities described in Sections 16430, 16431, and 16432 of the Government Code, and such securities may be sold or exchanged if in his opinion such sale or exchange is in the best interests of the State in effectuating the purposes of this chapter.

Appropriations for flood control

12813. All of the assets in the Flood Control Fund of 1946, including appropriations heretofore made to such fund, are appropriated for projects for flood control.

Such assets shall be retained in the State Treasury in the Flood Control Fund of 1946 and shall not be expended for the purposes for which appropriated except as allocated by the Legislature. This appropriation is available for expenditure without regard to fiscal years and is not subject to the provisions of Section 16304 of the Government Code.

Article 3. Extent and Method of Allocations

Request for investigation

12825. When the United States makes funds available on or after March 12, 1946, for the construction of any flood control project either adopted and authorized by Chapters 1 and 2 of this part or by subsequent legislation, any public agency affected may request the board to investigate and report to the Legislature as to the date state funds should be allocated to pay the cost of cooperation by the State with the United States for the project and the estimated amount.

Multiple purpose projects No appropriation, exceptions

12826. No money in the Flood Control Fund of 1946 shall be allocated for the purchase of lands, easements, and rights of way necessary for multiple purpose dams or reservoirs constructed by the United States, except the projects on the Fresno and Merced County Stream Groups.

Other projects

12827. As to projects other than those approved and authorized by the Legislature, the board shall make its determination in the manner provided by Chapters 1 and 2 of this part.

Reallocation of funds

12828. Except where the cooperation required by the United States, in addition to the costs of all lands, easements, and

rights of way, has been authorized to be assumed by the State prior to March 12, 1946, the board shall not reallocate the funds allocated to it for any project for which the Reclamation Board is directed to give assurances to the United States unless and until a public agency other than the Reclamation Board has either assumed the obligations of maintenance and holding the United States harmless from damages due to the construction of works, directly with the United States, or has by binding agreement with the Reclamation Board agreed to assume such obligations and to hold the State and the Reclamation Board harmless from any claims therefor.

12829. Money allocated from the Flood Control Fund of 1946 to the board shall be reallocated to public agencies upon order of the board after application therefor has been made to it by such agencies showing the necessity, purpose and use to be made of the money or by the showing that such agencies have made necessary advances or incurred obligations for the purpose of expediting projects for which the allocation is made and giving such other information as the board may require. Expenditures of the reallocated sums shall be reported to the board as and when required by it. The reports shall give such information as it may require.

12830. The board may refuse to make any order for the reallocation of any of the funds if the provisions of this chapter are violated. The board shall render a report to the Legislature within 15 days after the commencement of each regular session respecting the expenditure of money allocated to it by the Legislature.

SEC. 2. Chapter 1514 of the Statutes of 1945 and Sections 1 to 11, inclusive, and Sections 16 and 17 of Chapter 142 of the Statutes of the 1946 First Extraordinary Session are repealed. Repeals

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CHAPTER 197

An act to codify Chapter 1070 of the Statutes of 1943 by repealing said chapter and adding Section 8679 to the Water Code, relating to revenue of the Reclamation Board.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 14, 1953.] In effect September 9, 1953

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

SECTION 1. Section 8679 is added to the Water Code, to read:

8679. Revenues, rents, and proceeds from sale of crops from lands under control of the board shall be paid into the State Treasury as follows: Disposition of revenue, rents, etc

(a) To the current appropriation for the support of the board as an abatement of the cost of producing or disposing of crops in such amounts as may be approved by the Department of Finance.

(b) The balance thereof to the credit of the General Fund.

SEC. 2. Chapter 1070 of the Statutes of 1943 is repealed. Repeal

CHAPTER 198

An act making an appropriation for construction, improvements, and equipment, Long Beach State College, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

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

Appropriation Long Beach State College Science Building

SECTION 1. The sum of one million five hundred seventy-five thousand five hundred dollars ($1,575,500) is hereby appropriated from the Capital Outlay and Savings Fund in the State Treasury for construction, improvements, and equipment of a science building at Long Beach State College, to be expended under the provisions of the Budget Act of 1952, in accordance with the following schedule:

(a) Building	$1,395,000
(b) Equipment	180,500
Total of Schedule	$1,575,500

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

There is urgent need for a science building at the new Long Beach State College in Long Beach and such a building should be constructed at the earliest possible date so that it may be available for occupancy for instruction purposes. In order that working drawings and other details of construction may be undertaken immediately, the money appropriated by this bill should become available at the earliest possible date.

CHAPTER 199

An act to add Section 14444.2 to the Health and Safety Code, relating to county fire protection districts.

In effect September 9, 1953

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 14444.2 is added to the Health and Safety Code, to read:

Fire prevention activities, etc

14444.2. The board may authorize fire prevention activities by the district and may authorize in connection with that activity educational work for the information of the public relative to the prevention of fires and the conservation of natural resources.

CHAPTER 200

An act to amend Section 678 of the Agricultural Code, relating to butter.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 678 of the Agricultural Code is amended to read:

678. The licensing and labeling provisions of Sections 595 and 677 shall also apply to butter received in package form from out-of-state points.

Imported butter

CHAPTER 201

An act to amend Sections 13920 and 16001 of the Government Code, relating to pay of state officers and employees.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 13920 of the Government Code is amended to read:

13920. By a majority vote, the board shall adopt general rules and regulations:

General rules and regulations

(a) Limiting the amount, time, and place of expenses and allowances to be paid to officers, agents, and employees of the State while traveling on official state business.

(b) Governing such matters as are specifically committed to its jurisdiction.

(c) Governing the presentation and audit of claims against the State for which an appropriation has been made or for which a state fund is available.

(d) Governing the computation of pay in the case of any officer or employee on a monthly basis salary who is entitled to less than a full month's pay.

SEC. 2. Section 16001 of said code is amended to read:

16001. Claims for expenses of either house of the Legislature or members or committees thereof, and claims for official salaries fixed by statute, are exempt from this chapter and Section 13920.

Exemptions

CHAPTER 202

An act to amend Sections 31592, 31620, 31621, 31860 of the Streets and Highways Code, to add Sections 31710, 31784.1 and 31866 to said code, and to repeal Chapter 11 of Part 1 of Division 18 of said code, relating to vehicle parking districts, the financing of parking places, the condemnation of

property therefor, the making of advances for the acquisition and improvement, the use of revenues from parking meters in the district and the addition of land to the district, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 31592 of the Streets and Highways Code is amended to read:

Condemnation actions, proceedings, etc

31592. Except as otherwise provided in this part, the condemnation action shall be filed and the condemnation proceedings taken substantially as provided in the Street Opening Act of 1903 and particularly in Chapters 7, 8, 9 and 10 of that act. The provisions of such chapters relating to the condemnation of property and the fixing of compensation and damages therefor are adopted as the procedure to be followed under this part; provided, that the provisions of said Chapter 9 requiring hearing on stipulations as to value and damages and for entry of an interlocutory decree, and requiring notice of such hearing, shall not apply. Failure to comply fully with the applicable provisions of those chapters shall not invalidate any proceeding under this part.

SEC. 2. Section 31620 of said code is amended to read:

Diagram.

31620. Upon the entry of the interlocutory judgment or upon the fixing by contract of the purchase price of the property to be acquired, the legislative body shall order the engineer to make and deliver to the street superintendent a diagram of the acquisition and of the property within the vehicle parking district as finally established.

SEC. 3. Section 31621 of said code is amended to read:

Contents

31621. The diagram shall show:

(a) The land and any rights of way to be acquired.

(b) Each separate lot or parcel of land within the district.

(c) The dimensions of each such lot or parcel of land and its relative location to the proposed acquisition.

SEC. 4. Section 31710 is hereby added to said code, to read:

Advancement of funds. Repayment

31710. At any time after the amount required for the acquisition of the property to be acquired has been fixed by interlocutory judgment or by contract, the legislative body may advance from the general fund of the city or out of any other available funds such amount as may be necessary to acquire such property or any part thereof and may use such money to acquire such property or part thereof under the contract or to satisfy the interlocutory judgment as to such property or part thereof, and may also make such an advance to pay the cost of making the improvements on any property so acquired. Following the recordation of the assessment any such advance shall be repaid from the first moneys available from cash collections of assessments or sale of bonds or both.

SEC. 5. Section 31784.1 is added to said code, to read:

31784.1. The board may, if it so desires, operate the parking places, or any thereof, as free public parking places without fee or charge. Operation of parking places

SEC. 6. Section 31860 of said code is amended to read:

31860. At any time, either before or after the formation of the district, the legislative body may provide by ordinance that, for a period specified in the ordinance but not exceeding 10 years from its effective date, all or any specified amount, portion or percentage of revenues derived by the city from parking meters on streets within the district shall be used for the purposes specified in the ordinance which may include the acquisition, improvement, maintenance, repair, and operation of parking places for the use and benefit of the district The purposes specified in the ordinance may also include the application of such revenues as a credit upon the levied assessments in the same manner as is provided in Sections 31828, 31829 and 31830. From the effective date of the ordinance such revenues shall for the period specified be placed in such fund or funds of the district as the board of commissioners specify and may be expended only for the purposes specified in the ordinance. Use of revenues from parking meters, etc.

SEC. 7. Section 31866 is added to said code, to read:

31866. At any time following the formation of a district under this part and the levy of the initial assessment in such district, any parcel of land may be added to such district if the owner of such parcel files with the legislative body a petition for such inclusion and the legislative body grants such petition. The legislative body shall not grant such petition until the petition has been approved by the board of parking place commissioners of the district and until the street superintendent has estimated the amount which such parcel would have been assessed and taxed under all prior assessments and special ad valorem tax levies in the district if said parcel had been a part of said district when formed, and until the owner of such parcel has paid to the city such estimated amount. All such amounts paid to the city shall be placed in such fund as the board directs and may be used for any purpose for which revenues from fees, charges and rentals for the use of parking places of the district may be used. If such petition is granted, such parcel shall thereafter be entitled to the same rights as those which apply to other lands in the district and shall be subject to all assessments and special ad valorem taxes thereafter levied in said district under this part. Additions to district

SEC. 8. Chapter 11 of Part 1 of Division 18 of said code is repealed.

SEC 9. 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: Urgency

The constantly increasing traffic congestion in the State of California and particularly in its urban areas brings death or

injury to many persons each day. The development of freeways is causing, and will continue to cause, an increase in the number of motor vehicles which are driven to the central business areas and in such areas traffic congestion detrimental to the public safety is in a large measure caused by the inability of the operators of motor vehicles to find quickly and easily a place to park. The provisions of this act are necessary to expedite the formation of parking districts to provide parking places in such congested areas and it is therefore necessary that this act take effect immediately.

CHAPTER 203

An act to amend Sections 1143 and 1144 of the Probate Code, relating to estates of deceased persons.

In effect September 9, 1953.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

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

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

Expenses of burial, claims, etc., in estates of less than $300

1143. When a public administrator takes possession of the estate of a decedent as provided in this chapter, and it appears that the total value of the estate of the decedent does not exceed three hundred dollars ($300), the public administrator may apply to the superior court of his county or a judge thereof for an order permitting him summarily to sell any personal property belonging to the decedent, and to withdraw any money of the decedent on deposit with any bank, and to collect any indebtedness or claim that may be owing to the decedent. The money received from any such sale or collection shall be used to defray the expenses of the burial of the decedent and the expenses of his last illness; the balance, if any, shall be used to pay other claims approved by the court; and there shall be no administration upon the estate unless additional property is discovered. No notice of the application need be given. The application may be filed whether or not there is a will of the decedent in existence, if the executor named therein refuses to act, or if the will does not appoint an executor.

SEC. 2. Section 1144 of the Probate Code is amended to read:

Fees, sales, statement, etc.

1144. No fee shall be charged by the clerk of the court or the public administrator or his attorney for filing the application provided for in Section 1143, nor for the performance of any duty or service connected therewith. Such sales may be made with or without notice, as the public administrator may elect, and title to the property sold shall pass without the need of confirmation by the court. The public administrator shall file with the clerk of the court a statement showing the property of the decedent that came into his hands and the disposition that he made thereof, if any, together with vouchers for all expenditures. Any money or other property remaining in the hands of

the public administrator which is unclaimed by any heir of the decedent by affidavit under the provisions of this code shall, upon petition of the public administrator, be distributed by the court to the State of California.

Upon rendition of a court order distributing money or other property to the State of California under the provisions of this section, the public administrator shall forthwith transmit to the State Treasurer or State Controller all money or other property distributed to the State of California, subject to the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

CHAPTER 204

An act to amend Section 1153 of the Probate Code, relating to reports by public administrators.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1153 of the Probate Code is amended to read:

1153. The public administrator, or any person who received letters of administration while acting as public administrator, must return to the superior court, once in every six months, a report, under oath, of all estates of decedents which have come into his hands during the said six months, giving the value of each estate, the amount of money which he has received from each estate, a statement of what he has done with it, and the amount of his fees and expenses incurred in each estate, and the balance, if any, in each estate, remaining in his hands. He must publish such report six times in some newspaper published in the county, or if there is none, then post the same, legibly written or printed, in the office of the county clerk of the county. One copy of the report must be filed with the papers in each estate so reported and one copy must be transmitted to the State Controller within 60 days after the first Monday in January and July of each year.

Report of estates handled

CHAPTER 205

An act to repeal Division 6 of the Fish and Game Code, relating to repeals effected by said code.

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Division 6 of the Fish and Game Code is repealed.

Repeal

CHAPTER 206

An act to add Title 8 to the Government Code, to consolidate and revise the law relating to a system of courts of the State and judges, officials, attaches and employees thereof, to repeal acts and parts of acts specified therein, and to amend Sections 61.4, 269, and 274c of the Code of Civil Procedure, to repeal Section 36 of the Code of Civil Procedure, and to add Section 3020.5 to the Government Code.

In effect September 9, 1953

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Title 8 is added to the Government Code, to read:

TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS

CHAPTER 1. GENERAL PROVISIONS

Court of record. Rules of Government

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

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

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

Filing of rules adopted

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

Effective date

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

Courtrooms, supplies, etc

68073. If the board of supervisors of any county does not provide suitable rooms for holding the superior, municipal, or justice courts and the chambers of the judges, together with the attendants, furniture, fuel, lights, and stationery, sufficient for the transaction of business, the courts or the judge or judges of such courts may direct the sheriff of the county to provide them. The expenses incurred in providing them, certified by the judge or judges to be correct, are a charge against the county treasury, and shall be paid out of the general fund.

68074. Each court shall have a seal.

68075. The seal used by the Supreme Court abolished by the Constitution of 1879 shall be the seal of the Supreme Court provided for in this title. The Supreme Court may direct its clerk to provide two duplicates of the seal, each of which shall have the same effect as the original. Supreme Court seal

68076 The seals of the superior courts shall: Superior court seals

(a) Be circular.

(b) Be not less than one and three-fourths inches in diameter.

(c) Have in the center any word, words, or design adopted by the judges of the superior court.

(d) Have inscribed around the central words or design "Superior Court _____, California," inserting the name of the county.

The seal of any such court, which has been adopted before April 1, 1880 shall be the seal of such court until another is adopted.

68077. The municipal court of every judicial district or consolidated city and county may use any seal having upon it "Municipal Court _____," with the name of the judicial district or consolidated city and county inserted. Municipal court seals

68078. The justice court of every judicial district may use any seal having upon it the inscription: "Justice Court _____," with the name of the county and of the judicial district in which such court is established inserted. Justice court seals

68079. A court for which the necessary seal has not been provided, or the judge or judges of such court, shall request the board of supervisors of the county to provide the seal, and, if it fails to do so, may order the sheriff or constable to provide it. The expense shall be a charge against the county and paid out of the general fund. Until such seal is provided the clerk or judge of each court may use his private seal whenever a seal is required. Providing seal

68080. The clerk of the court, or if there is no clerk the judge, shall keep the seal of the court. Custody of seal

68082. During his continuance in office, a justice, judge of a court of record, or county clerk shall not practice law in any court of this State, nor act as attorney, agent, or solicitor in the prosecution of any claim or application for lands, pensions, patent rights, or other proceedings before any department of the State or general government or courts of the United States. A judge of a justice court shall not practice law before any justice court in the county in which he resides. Private law practice prohibited

68083. A justice, judge, other elective judicial officer, or court commissioner, shall not have a partner acting as attorney in any court of this State, except that a judge of the justice court may have a partner acting as attorney in any court in which such judge may under the law act as such attorney. Partners

68084. When any money is deposited with the clerk or judge of any court pursuant to any action or proceeding in the court, or pursuant to any order, decree, or judgment of the court, or when any money is to be paid to the treasurer pursuant to any Deposits of money

provision of this title or the Code of Civil Procedure, such money shall be forthwith deposited with such treasurer and a duplicate receipt of the treasurer for it shall be filed with the auditor. The certificate of the auditor that a duplicate receipt has been filed is necessary before the clerk, judge, or party required to deposit the money is entitled to a discharge of the obligation imposed upon him to make the deposit.

When any money so deposited is to be withdrawn or paid out, the order directing the payment or withdrawal shall require the auditor to draw his warrant for it and the treasurer to pay it. In any city governed by a charter, such withdrawals shall be made pursuant to the charter.

Destruction of records

68085. After seven years from the date when a judgment in a case becomes final, or, if the case has not been prosecuted to judgment, after five years from the date of filing the complaint, the judge or clerk of any justice court may destroy all records, papers, and exhibits in any civil case and all records and papers in any criminal case in the justice court or in the court which the justice court has superseded. For the purposes of this section "destroy" means destroy or dispose of for the purpose of destruction. In criminal cases the consent of either the district attorney or prosecuting attorney shall first be obtained.

"Destroy"

Minute book entries, dockets, and judgment dockets shall not be destroyed and shall constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed.

Notice in civil cases

68086. In civil cases notice shall be published pursuant to Government Code Section 6061 in a newspaper of general circulation, published in the county in which the court is situated, at least 30 days before the proposed disposal. The notice shall be substantially as follows:

Form

Notice of Intention to Destroy Records

Notice is hereby given that on _____ (date) the judge or clerk of the justice court of _____ intends to dispose of the records, papers, and exhibits of all cases of (designating the court) in which judgment became final seven years prior thereto, or which have not been prosecuted to judgment within five years prior thereto, unless a party to the case or his attorney appears in court and moves that such records, papers, and exhibits be not destroyed.

Costs of destruction, etc.

68087. The cost of destruction and of publication of the notice to destroy justice court records, papers, and exhibits is a county charge. The cost of destroying city or police court records, papers, and exhibits and of publication of the notice to destroy city or police court records is a city charge.

Delivery of vouchers in civil action

68089. Two years after judgment in any civil action or proceeding has become final the court may order any vouchers on file for the action or proceeding delivered to the person who filed them or to his attorney. If such person or his attorney cannot be located or fails after reasonable notice to obtain such vouchers, the court may order them destroyed by the clerk of the court.

68090. Except as otherwise provided by law, interpreters' and translators' fees, for each day's actual attendance, when legally required to attend, are: Interpreters', etc. fees

(a) For attendance at a coroner's inquest, five dollars ($5) a day.

(b) For attendance upon a court, such fee as may be allowed by the court, not to exceed ten dollars ($10) a day.

68091. The aggregate amount of fees that may be allowed to any one person pursuant to Section 68090 shall not exceed ten dollars ($10) a day.

68092. Interpreters' and translators' fees shall be paid:

(a) In criminal cases and in coroners' cases, from the county treasury upon warrants drawn by the county auditor, when so ordered by the court or by the coroner, as the case may be.

(b) In civil cases, by the litigants, in such proportions as the court may direct, to be taxed and collected as other costs. The county's proportion of such fees so ordered to be paid in any civil suit to which the county is a party shall be paid in the same manner as such fees are paid in criminal cases.

68093. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend upon the superior court, are two dollars ($2) a day in civil cases and one dollar and fifty cents ($1.50) in criminal cases and mileage actually traveled, one way only, ten cents ($0.10) a mile. In criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness that the allowances are necessary for the expenses of the witness in attending. The court shall determine the necessity for the allowances and may disallow any fees to a witness unnecessarily subpenaed. Witness fees Superior court

68094. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend before a grand jury, are one dollar and fifty cents ($1.50) a day and mileage for each mile actually traveled in attendance as such witness, one way only, ten cents ($0.10). Grand jury

68095. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend, or if the witness attends voluntarily and is called to testify, before a coroner's jury, are one dollar ($1) a day and mileage for each mile actually traveled in attendance as a witness, one way only, ten cents ($0.10). Such per diem and mileage shall be a county charge. Coroner's jury

68096. Except as otherwise provided by law, witness' fees for each day's attendance upon a justice court, in civil cases only, when legally required to attend, are one dollar ($1) a day and mileage for each mile actually traveled, in going only, ten cents ($0.10). Justice court

68097. Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the allowances are paid. Advance payment

Criminal cases in municipal and justice courts

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

Order to hold court in place other than that designated

68099. When war, insurrection, pestilence, or other public calamity, or the danger thereof or the destruction or danger of the building appointed for holding the court renders it necessary, the judge or judges authorized to hold or preside at a court appointed to be held in a particular place in a county or judicial district may by order direct that the court be held or continued at any other place in the county or judicial district than that appointed. The order shall be filed with the county clerk, and shall be published as the judge or judges prescribe. In the same manner such judge or judges may revoke the order and appoint another place in the same county or judicial district in which such court is established, for holding the court.

68100. When the court is held at a place appointed, pursuant to Sections 68099, 69742, and 69744 every person held to appear at the court shall appear at the place so appointed.

State entitled to money, etc., must be forwarded

68101. Whenever pursuant to law the State is entitled to receive any portion of any money, forfeited bail, or fines received by a judge, the judge shall send such portion without delay to the State Treasurer to be deposited in the State Treasury.

Record

Any judge collecting such fines or forfeitures shall keep a record of them and, upon the imposition of any such fine or forfeiture, immediately transmit a record thereof to the State Controller.

Release of defendant by vacation of sentence, etc.

68102. Whenever an imprisonment has been imposed for a violation of any act, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of such fine or forfeiture in lieu thereof, such fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

Whenever such fine has been imposed for violation of any act, and before the full payment of it, a sentence of imprisonment is imposed in lieu thereof, such imprisonment shall be recorded and accounted for to the State Controller.

Annual report of fines, etc

68103 Each judge shall transmit to the State Controller an annual report of fines and forfeitures, referred to in Sections 68101 and 68102, collected by him during the calendar year. The report shall be rendered before January 15th of the following year on blanks furnished by the State Controller.

The State Controller shall check the reports and records of each judge with the transmittals of such fines and forfeitures from them. Whenever it is apparent that such fines or forfeitures have not been transmitted, the State Controller shall bring suit to enforce the collection or transmittal, or both.

The official bond of any judge is liable for his failure to transmit such fines or forfeitures imposed by him.

Open to public inspection

68104 The records kept by any judge pursuant to Sections 68101 and 68102 shall be open to public inspection, and may

be checked by the State Controller, the Attorney General, or the district attorney of the particular county.

CHAPTER 2. THE JUDICIAL COUNCIL

Article 1. General Provisions

68500. The Judicial Council may appoint and employ during its pleasure such officers, assistants, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. It may determine the duties and fix and provide for the compensation of all such officers, assistants, and other employees. Judicial Council Appointments

68501. The Chairman of the Judicial Council may appoint committees composed of justices or judges of the several courts to advise with the Judicial Council in studying the condition of business in the several courts and the means for simplifying and improving the administration of justice and in the performance of any other duties of the council authorized or imposed by law. Committees Appointed by chairman

68502. The committees may assemble information and make recommendations to the Judicial Council, but shall not exercise any of the powers vested in the council Powers limited

68503. Members of such committees shall receive no compensation from the State for their services. When called into session by the Chairman of the Judicial Council, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated to the use of the council. Such expenses shall be approved in such manner as the council directs, and shall be audited by the Controller in accordance with the rules of the Board of Control. Compensation

68504. Upon receiving information of the death, removal, or resignation of any justice of the Supreme Court or of the district courts of appeal, or a judge of the superior court, the Secretary of the Judicial Council shall immediately give the Controller written notice of such death, removal, or resignation Notice of death, etc

68505. The county clerks, clerks of all courts of record, and clerks of such justice courts as have clerks shall cooperate with the Judicial Council. They shall keep such records and make such reports to the council, in such manner and at such times, as the chairman of the council requires, respecting the condition and manner of disposal of judicial business in their respective courts. Clerks shall cooperate

68506. All salaries and expenses incurred by the council pursuant to this article, including the necessary expenses for travel, board, and lodging of the members of the council and its officers, assistants, and other employees incurred in the performance of the duties and business of the council, shall be paid from the funds appropriated for the use of the council. Such salaries and expenses shall be approved in such manner as the council directs, and shall be audited by the Controller in accordance with the rules of the Board of Control. Payment of salaries, expenses

Flags

68507. The Secretary of the Judicial Council shall purchase and provide for the installation of the Flag of the United States and the Bear Flag of California in all the courtrooms of the Supreme Court and the district courts of appeal.

Article 2. Assignment of Judges

Extra compensation and expenses Superior courts

68540. The extra compensation and expenses to which judges sitting in superior courts under assignments to such courts by the Chairman of the Judicial Council are entitled shall be paid in the following manner:

(a) The State shall pay a portion of such extra compensation of a superior judge equal to the difference between the amount which the State pays toward the salary of such judge, and the amount which the State pays toward the salary of a judge of the superior court in the county to which such judge is assigned.

(b) The county to which a superior judge is assigned shall pay a portion of such extra compensation equal to the difference between the amount paid toward the salary of such judge by the county from which he is assigned, and the amount paid by the county toward the salary of a superior judge in the county to which he is assigned.

(c) The State shall pay the same proportion of the extra compensation of a judge of a municipal or justice court, assigned to a superior court, that it pays of the salary of a judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

Courts of lower jurisdiction

68541. The extra compensation of judges sitting in courts of lower jurisdiction than superior courts under assignments made by the Chairman of the Judicial Council shall be paid by the county which by law is charged with the payment of the compensation of the judge of the court to which the assignment is made.

Expenses Superior court judges and lower

68542. The expenses for travel, board, and lodging of each judge assigned to a superior court or court of lower jurisdiction than a superior court in a county other than that in which he regularly sits shall be borne by the county chargeable with his extra compensation. The judge is entitled to, and the county shall pay, a per diem allowance in lieu of expenses for board and lodging. The amounts payable under this section shall be the same as the amounts payable for such purposes to justices of the Supreme Court under the rules of the State Board of Control.

Supreme Court

68543. The extra compensation and expenses for travel, board, and lodging of justices and judges sitting in the Supreme Court and district courts of appeal under assignments made by the Chairman of the Judicial Council shall be paid by the State.

Drawing warrants for payment

68544. When the judge files a claim, the State Controller and the auditor of the county shall draw their warrants for the payment of extra compensation or expenses as provided in this article.

68545. The payments by the State toward the extra compensation and expenses provided in this article shall be made from the money appropriated for the support of the Judicial Council. The payments by the county toward such extra compensation and expenses shall be made from the same funds as salaries and expenses of officers of the county are made. Source of compensation and expenses

CHAPTER 3. THE SUPREME COURT

Article 1. General Provisions

68801. The justices and officers of the Supreme Court shall be allowed their actual traveling expenses in going to and from their respective places of residence upon the business of the court or to attend its sessions. Supreme Court Traveling expenses

68802. If the State does not provide proper rooms in which to hold the court and for the accommodation of the officers of the court, together with attendants, furniture, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the court, or any three justices, may direct the Clerk of the Supreme Court to provide them. The expenses thereof, certified by any three justices to be correct, shall be paid out of the State Treasury. Courtrooms, supplies, etc

68803. A sufficient sum shall be annually appropriated out of any funds in the State Treasury not otherwise appropriated for the expenses certified to pursuant to Section 68802 and to defray the traveling expenses of the justices and officers of the Supreme Court. The money so appropriated shall be subject to the order of the Clerk of the Supreme Court. He shall disburse such money on proper vouchers, and account for it in annual settlements with the State Controller on the first Monday of December of each year. Source of traveling expenses, etc

68804. No person is eligible to the Office of Chief or Associate Justice of the Supreme Court unless for at least five years next preceding his election or appointment he has been (a) a citizen of the United States and a resident of this State, and (b) admitted to practice before the Supreme Court of the State. Qualifications for office

68805. The annual salary of the Chief Justice of the Supreme Court is twenty thousand five hundred dollars ($20,500) and the annual salary of each associate justice of the Supreme Court is nineteen thousand dollars ($19,000). Such salaries shall be payable monthly by the State. Salaries

68806. The Supreme Court may appoint and employ during its pleasure such phonographic reporters, assistants, secretaries, librarian, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Except as in this chapter otherwise provided, it shall determine the duties and fix and pay the compensation of all such officers and employees. Assistants, etc.

68807. All salaries and expenses incurred under the provisions of this chapter by the Supreme Court shall be paid from the funds appropriated for its use, when approved by the order of the court and audited by the Controller. Source of salaries and expenses

Article 2. The Chief Clerk

Clerk of Supreme Court Duties

68840. In addition to the duties prescribed by law, the Clerk of the Supreme Court shall perform such duties as are required of him by the rules and practices of the court.

Salary

68841. The annual salary of the Clerk of the Supreme Court and ex officio Secretary of the Judicial Council is twelve thousand dollars ($12,000).

Bond

68842. The Clerk of the Supreme Court shall execute an official bond in the sum of ten thousand dollars ($10,000).

Deputy clerks, etc

68843. The Clerk of the Supreme Court shall appoint six deputy clerks of the Supreme Court. He shall also appoint a chief deputy clerk of the Supreme Court who shall act as clerk of the court in the absence of the clerk. The chief deputy clerk and deputy clerks of the Supreme Court shall be civil executive officers. The Supreme Court shall fix and pay the compensation of such officers.

Office hours

68845. The offices of the Clerk of the Supreme Court shall be open for the transaction of business continuously from 9 a m. until 5 p.m , every day in the year, holidays and Saturdays excepted. On Saturdays the offices shall be so open from 9 a.m. until 12 30 p m.

Disposition of fees collected

68846. The fees collected by the Clerk of the Supreme Court shall be paid into the State Treasury to the credit of the General Fund. The clerk is responsible for, and in his settlement with the Controller shall account for, and be charged with, the full amount of all fees collected or chargeable and accruing in causes brought into the court for services rendered therein up to the time of each settlement At the end of every month he shall pay the full amount into the State Treasury.

At the end of every month he shall also render to the Controller, in such form as that officer prescribes, an account in detail, under his own oath, of all fees chargeable and accruing in causes brought into court and not included in his previous accounts rendered. His salary shall not be allowed or paid until all fees so accruing and for which he is chargeable have been accounted for and paid over.

Collection of fees

68847. The Clerk of the Supreme Court shall collect in advance the fees specified in this article.

Filing fee Civil case

68848. The fee for filing the transcript on appeal in each civil case appealed to the Supreme Court is ten dollars ($10), in full of all services rendered in each case up to the rendering of the judgment or the issuing of the remittitur when no petition for a rehearing has been filed.

Petition for rehearing

68849. The fee for filing a petition for a rehearing and for all services to the issuing of remittitur to the court below is two dollars and fifty cents ($2.50).

Hearing after decision in district court of appeal

68850. The fee for filing petition for hearing in the Supreme Court after decision in a district court of appeal is two dollars and fifty cents ($2.50).

Motion, etc , to dismiss

68851. The fee for filing motion or stipulation to dismiss appeal on clerk's certificate is two dollars and fifty cents ($2.50).

68852. The fee for filing petitions for writs of mandate, review, prohibition, and other original proceedings is seven dollars and fifty cents ($7.50). Writs of mandate, etc.

68853. The fee for filing order extending time to file transcript is fifty cents ($0.50). Extending time

68854. The fee for filing each paper in proceedings in certiorari or appeal to the Supreme Court of the United States is twenty-five cents ($0.25). Certiorari or appeal to Supreme Court of United States

68855. The fee for making record in proceedings in certiorari or appeal to the Supreme Court of the United States and for copies of any record or document in his office is ten cents ($0.10) a folio, except that the Supreme Court by order may waive the charge for copies of opinions furnished to parties to the litigation. Additional fees: Making record in proceeding

68856. The fee for comparing any document requiring a certificate is five cents ($0.05) a folio, except that when the document to be compared was printed or typewritten from the same type or at the same time as the original on file and has been corrected in all respects to conform with it, such charge shall be one cent ($0.01) a folio. Comparing document requiring certificate, exceptions

68857. The fee for each certificate under seal is one dollar ($1). Certificate under seal

68858. He shall administer oaths for verification of claims against the State without charge. Administer oaths

68859. For all other services not specified in this article he shall charge and collect the same fees as are prescribed by law for similar services by notaries public. Other fees

Article 3. The Reporter of Decisions of the Supreme Court and the District Courts of Appeal

68890. The Supreme Court shall appoint the reporter of the decisions of the Supreme Court and of the district courts of appeal and such other assistants as required. Reporter, assistants

68891. The annual salary of the reporter of the decisions of the Supreme Court and of the district courts of appeal is ten thousand dollars ($10,000). The salaries of the assistants shall be established pursuant to Section 18004 of the Government Code. Each of the persons so appointed shall serve in full-time employment. Salaries

68892. When the court so directs, the reporter of the decisions of the Supreme Court shall prepare a report of cases decided. Report of cases.

68893. The reporter shall prepare a report of each case included in the notes delivered to him by the phonographic reporters. After preparing the report, he shall submit it to the court for correction and approval. Correction and approval

68894. Each report shall be made in such manner and form as the court directs. Manner and form

68895. The reports shall be published under the general supervision of the Supreme Court. The court may correct clerical errors in the opinion as filed or authorized them to be Reports Publication

corrected. It shall not in any manner alter the written opinion as to substance, argument, or authority cited, or omit any portion of the opinion as filed. All opinions filed shall be printed in full in the law reports. Proof sheets of the opinions shall be furnished by the official reporter to the Supreme Court from time to time as the cases are set up in galleys and corrections made.

Proof sheets, corrections, etc

68896. Within 30 days after the proof sheets are received by the Supreme Court, the justices shall return them to the official reporter with such corrections as they may desire, and the official reporter shall make the corrections accordingly. Before sending proof of any opinion to the Supreme Court or to the justices of the court, the official reporter shall carefully read the proof and cause all clerical errors to be corrected. He shall carefully verify all code citations found in the opinion. If there is an error or mistake in the citation in the opinion as filed, he shall call the attention of the court to the error by noting the proper section and code on the margin of the proof. The court or a justice of the court shall authorize the proper corrections to be made.

Original opinions

68897. The reporter may take the original opinions and papers in each case from the clerk's office, and retain them in his possession not exceeding 60 days.

Manner of printing

68898. The reports shall be published in well-bound volumes and printed on good book paper, in small pica leaded and brevier, equal in quality of paper and binding to Volumes 33 to 39, inclusive, of California Reports.

Pecuniary aspects of publication

68899. The reporter shall have no pecuniary interest in the volumes of reports, but they shall be published under the supervision of the court and reporter, by contract, to be entered into by the reporter, Secretary of State, and Attorney General, with the person or persons who shall agree to publish and sell the reports, for a period of five years, on the terms most advantageous to the State and the public, and at a rate not to exceed four dollars ($4) a volume of 700 pages.

Advertising for publication

68900. Before entering into any such contract, the Secretary of State shall advertise for proposals for the publication of the reports in one daily paper in Sacramento, one daily paper in San Francisco, and one daily paper in Los Angeles. The reporter, Secretary of State, and Attorney General shall consider all proposals for the publication of the reports which may be made to them and award the contract to the person who agrees to publish and sell them on the terms most advantageous to the State and public.

Contract requirements

68901. The contract shall require the publisher:

(a) To print and publish each volume in the style required by Section 68898 within 60 days after the manuscript is delivered by the reporter.

(b) To sell copies to the State for official use only at the price fixed in the contract.

(c) To keep on hand and for sale at the price stipulated in the contract a sufficient number of each volume to supply all demands for six years after the publication.

(d) To give bonds in the sum of ten thousand dollars ($10,000) for the fulfillment of the terms of the contract.

68902. If after advertising the Secretary of State receives no proposals agreeing to print, publish, and sell the volumes at a price not exceeding four dollars ($4) a volume, the State Printer shall print and bind 1,200 copies of each volume, and deliver them to the Secretary of State. The Secretary of State shall keep the copies of the edition on sale at four dollars ($4) a volume, at retail, and at such wholesale price as is fixed by the Governor, Controller, and Secretary of State At the end of each month he shall pay into the State Treasury the proceeds of all sales made by him. State Printer

68903. The Secretary of State may sell for official use only, at not less than cost, such copies of the bound volumes of the decisions of the Supreme Court and of the district courts of appeal as have been purchased pursuant to Section 68901. Sale by Secretary of State

CHAPTER 4. THE DISTRICT COURTS OF APPEAL

Article 1. General Provisions

69101. The annual salary of each justice of the district courts of appeal is eighteen thousand dollars ($18,000). Such salaries shall be payable monthly by the State. Salary

69102. The State is divided into four district courts of appeal districts designated and constituted as follows, subject to the power of the Supreme Court to remove one or more counties from one appellate district to another as provided in the Constitution: Division of State, designation of courts

(a) The Counties of San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito shall constitute the First Appellate District.

(b) The Counties of San Luis Obispo, Santa Barbara, Ventura, and Los Angeles shall constitute the Second Appellate District.

(c) The Counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono shall constitute the Third Appellate District.

(d) The Counties of Fresno, Tulare, Kings, Kern, Inyo, San Bernardino, Riverside, Orange, San Diego, and Imperial shall constitute the Fourth Appellate District.

69103. The District Court of Appeal for the Second Appellate District shall consist of three divisions, each of which shall have and exercise all of the powers of the district court of appeal. Divisions Second Appellate District

Fourth Appellate District

69104. The District Court of Appeal for the Fourth Appellate District consists of one division having three justices.

Traveling expenses

69105. Each justice of the Fourth Appellate District shall receive actual and necessary traveling expenses while engaged in the duties of the court in only two of any of the cities in which sessions of the court are held.

Place of sessions

69106. The District Court of Appeal for the Fourth Appellate District shall hold its regular sessions at Fresno during the months of February, March, April, and May, at San Diego during the months of June, July, August, and September, and at San Bernardino during the months of January, October, November, and December of each calendar year.

Article 2. Officers and Employees

District court clerk's salary

69140. Each district court of appeal may appoint and employ a clerk at a monthly salary within the following range: five hundred dollars ($500), six hundred dollars ($600), seven hundred dollars ($700), eight hundred dollars ($800), and nine hundred dollars ($900).

Other employees and salaries

69141. Each district court of appeal may appoint and employ during its pleasure such phonographic reporters, assistants, secretaries, librarians, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Except as otherwise provided in this chapter, each such court may determine the duties and, subject to Section 18004 of the Government Code, fix and pay the compensation of all such officers and employees.

All salaries and expenses incurred under this section shall be paid from the funds appropriated for the use of such courts, when approved by order of the courts.

Phonographic reporter, duties, etc

69142. The District Courts of Appeal of the Third and Fourth Appellate Districts and each division of the District Courts of Appeal of the First and Second Appellate Districts may employ and appoint a phonographic reporter, who shall be competent to write shorthand at the rate of at least 150 words a minute and to transcribe them correctly. His duties shall be to take down in shorthand the proceedings of the court, and to act as secretary to the judges in the discharge of their official duties. The phonographic reporter shall hold office during the pleasure of the court making the appointment.

Fees: Collection, amounts

69143 The clerk of each of the district courts of appeal shall collect in advance the fees specified in this article.

69144. The fee for filing the transcript on appeal in each civil case appealed to the district court of appeal of which he is clerk is ten dollars ($10), in full of all services rendered in each case up to the rendering of the judgment or the issuing of the remittitur when no petition for hearing has been filed.

69145. The fee for filing petition for rehearing and for all services to the issuing of the remittitur to the court below is two dollars and fifty cents ($2.50).

69146. The fee for filing motion to dismiss on appeal clerk's certificate is two dollars and fifty cents ($2.50).

69147. The fee for filing petitions for writs of mandate, review, prohibition, and other original proceeding is seven dollars and fifty cents ($7.50), in full for all services rendered in each case.

69148. The fee for filing order extending time to file transcript is fifty cents ($0.50).

69149. The fee for certificate of admission of attorney or counselor is ten dollars ($10).

69150. The fee for filing each paper in proceedings for a hearing in the Supreme Court is twenty-five cents ($0.25).

69151. The fee for making a record upon hearing before the Supreme Court and for copies of any record or document in his office is ten cents ($0.10) a folio, but this fee shall not be taxed against parties to suit for any paper, or copy of paper, up to and including remittitur.

69152. The fee for comparing any document requiring certificate is five cents ($0.05) a folio.

69153. The fee for each certificate under seal is one dollar ($1).

69154. All fees collected by the clerks of the district courts of appeal shall be paid into the State Treasury to the credit of the General Fund. The provisions of Section 68846 relating to settlements by the Clerk of the Supreme Court are applicable to the clerks of the district courts of appeal. Disposition of fees collected

CHAPTER 5. THE SUPERIOR COURTS

Article 1. General Provisions

69500. No person is eligible for election to the office of judge of the superior court unless he has (a) been a citizen of the United States and a resident of this State for five years and of the county in which he is elected for two years next preceding his election, (b) been admitted to practice before the Supreme Court of this State for a period of at least five years immediately preceding his election or appointment to such office, and (c) had not less than five years' actual practice of law in this State. Eligibility for office

69501. Section 69500 does not apply to the election of a person who was an incumbent in such judicial position on August 14, 1931, or to a person who held such judicial position in this State before August 14, 1931 Exception

69502. Each judge of a superior court shall reside within the county of the court for which he is elected or appointed. Residence

69503 Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist: Destruction of records, etc

(a) Ten years have elapsed since the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court, except that transcripts of coroner's inquests, depositions, and, when the written consent of the district attorney is first obtained, transcripts of preliminary hearings may be destroyed when five years have elapsed since their filing in the office of the county clerk and the action or proceeding in which they were filed is not pending or on appeal in any court.

(b) The county clerk maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition, or transcript so destroyed prepared pursuant to the procedure specified in Sections 1920b and 1923 of the Code of Civil Procedure.

(c) The county clerk promptly seals and stores at least one original negative of each such microphotographic film in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

Flags

69504. The board of supervisors of each county shall purchase and provide for the installation of the Flag of the United States and the Bear Flag of California in each superior courtroom in the county.

Article 2. Appellate Departments

Appellate department of the superior court

69540. In every county in which there are three or more judges of the superior court and in which a municipal court is established, there shall be a department of the superior court known as "appellate department of the superior court." The department shall consist of three judges of such superior court, designated by the Chairman of the Judicial Council. In addition to their other duties, the judges designated shall serve for the period specified in the order of designation. The Chairman of the Judicial Council shall designate one of such three judges as presiding judge of the department.

Article 3. Number of Judges

Alameda County

69580. In the County of Alameda there shall be 12 judges of the superior court.

Butte County

69581. In the County of Butte there shall be two judges of the superior court.

Contra Costa County

69582. In the County of Contra Costa there shall be five judges of the superior court.

Fresno County

69583. In the County of Fresno there shall be six judges of the superior court.

Humboldt County

69584. In the County of Humboldt there shall be two judges of the superior court.

Kern County

69585. In the County of Kern there shall be four judges of the superior court.

Los Angeles County

69586. In the County of Los Angeles there shall be 62 judges of the superior court, any one or more of whom may hold court.

69587. In addition to the duties required by Section 7 of Article VI of the Constitution, the presiding judge of the Superior Court of the County of Los Angeles shall perform such duties as the judges of the court may provide by rule. Same Duties

69588. In the County of Marin there shall be two judges of the superior court. Marin County

69589. In the County of Merced there shall be two judges of the superior court. Merced County

69590. In the County of Monterey there shall be two judges of the superior court. Monterey County

69591. In the County of Orange there shall be four judges of the superior court. Orange County

69592. In the County of Riverside there shall be three judges of the superior court. Riverside County

69593. In the County of Sacramento there shall be five judges of the superior court. Sacramento County

69594. In the County of San Bernardino there shall be four judges of the superior court. San Bernardino County

69595. In the County of San Diego there shall be eight judges of the superior court. San Diego County

69596. In the City and County of San Francisco there shall be 22 judges of the superior court, any one or more of whom may hold court. San Francisco County

69597. In addition to the duties required by Section 7 of Article VI of the Constitution, the Presiding Judge of the Superior Court of the City and County of San Francisco shall perform such other duties as the judges of the court may provide by rule. Same Duties

69598. In the County of San Joaquin there shall be four judges of the superior court. San Joaquin County

69599. In the County of San Mateo there shall be three judges of the superior court. San Mateo County

69600 In the County of Santa Clara there shall be five judges of the superior court. Santa Clara County

69601. In the County of Shasta there shall be two judges of the superior court. Shasta County

69602. In the County of Solano there shall be two judges of the superior court. Solano County

69603. In the County of Sonoma there shall be three judges of the superior court. Sonoma County

69604. In the County of Stanislaus there shall be three judges of the superior court. Stanislaus County

69605. In the County of Tulare there shall be three judges of the superior court. Tulare County

69606. In the County of Ventura there shall be two judges of the superior court. Ventura County

Article 4. Compensation of Judges

69640. Of the annual salary of each superior court judge the State shall pay seven thousand five hundred dollars ($7,500) and the remainder of the salary shall be paid by the county for which the judge is elected or appointed. Compensation

Alameda County

69641. The annual salary of each Judge of the Superior Court of the County of Alameda is sixteen thousand seven hundred fifty dollars ($16,750).

Alpine County

69642. The annual salary of the Judge of the Superior Court of the County of Alpine is ten thousand dollars ($10,000).

Amador County

69643. The annual salary of the Judge of the Superior Court of the County of Amador is ten thousand two hundred fifty dollars ($10,250).

Butte County

69644. The annual salary of each Judge of the Superior Court of the County of Butte is thirteen thousand five hundred dollars ($13,500).

Calaveras County

69645. The annual salary of the Judge of the Superior Court of the County of Calaveras is ten thousand two hundred fifty dollars ($10,250).

Colusa County

69646. The annual salary of the Judge of the Superior Court of the County of Colusa is ten thousand two hundred fifty dollars ($10,250).

Contra Costa County

69647. The annual salary of each Judge of the Superior Court of the County of Contra Costa is fifteen thousand dollars ($15,000).

Del Norte County

69648. The annual salary of the Judge of the Superior Court of the County of Del Norte is ten thousand seven hundred fifty dollars ($10,750).

El Dorado County

69649. The annual salary of the Judge of the Superior Court of the County of El Dorado is ten thousand two hundred fifty dollars ($10,250).

Fresno County

69650 The annual salary of each Judge of the Superior Court of the County of Fresno is fourteen thousand two hundred fifty dollars ($14,250).

Glenn County

69651. The annual salary of the Judge of the Superior Court of the County of Glenn is ten thousand two hundred fifty dollars ($10,250).

Humboldt County

69652. The annual salary of each Judge of the Superior Court of the County of Humboldt is thirteen thousand seven hundred fifty dollars ($13,750).

Imperial County

69653. The annual salary of each Judge of the Superior Court of the County of Imperial is twelve thousand seven hundred fifty dollars ($12,750).

Inyo County

69654. The annual salary of the Judge of the Superior Court of the County of Inyo is ten thousand two hundred fifty dollars ($10,250).

Kern County

69655. The annual salary of each Judge of the Superior Court of the County of Kern is twelve thousand five hundred dollars ($12,500).

Kings County

69656. The annual salary of the Judge of the Superior Court of the County of Kings is thirteen thousand seven hundred fifty dollars ($13,750).

Lake County

69657. The annual salary of the Judge of the Superior Court of the County of Lake is ten thousand seven hundred fifty dollars ($10,750).

69658 The annual salary of the Judge of the Superior Court of the County of Lassen is eleven thousand dollars ($11,000). Lassen County

69659. The annual salary of each Judge of the Superior Court of the County of Los Angeles is sixteen thousand seven hundred fifty dollars ($16,750). Los Angeles County

69660. The annual salary of the Judge of the Superior Court of the County of Madera is thirteen thousand five hundred dollars ($13,500). Madera County

69661. The annual salary of the Judge of the Superior Court of the County of Marin is fifteen thousand dollars ($15,000). Marin County

69662. The annual salary of the Judge of the Superior Court of the County of Mariposa is ten thousand two hundred fifty dollars ($10,250). Mariposa County

69663. The annual salary of the Judge of the Superior Court of the County of Mendocino is twelve thousand dollars ($12,000). Mendocino County

69664 The annual salary of each Judge of the Superior Court of the County of Merced is thirteen thousand five hundred dollars ($13,500). Merced County

69665 The annual salary of the Judge of the Superior Court of the County of Modoc is ten thousand two hundred fifty dollars ($10,250). Modoc County

69666. The annual salary of the Judge of the Superior Court of the County of Mono is ten thousand two hundred fifty dollars ($10,250). Mono County

69667 The annual salary of each Judge of the Superior Court of the County of Monterey is thirteen thousand seven hundred fifty dollars ($13,750). Monterey County

69668 The annual salary of the Judge of the Superior Court of the County of Napa is fifteen thousand dollars ($15,000). Napa County

69669. The annual salary of the Judge of the Superior Court of the County of Nevada is ten thousand four hundred fifty dollars ($10,450). Nevada County

69670 The annual salary of each Judge of the Superior Court of the County of Orange is fourteen thousand two hundred fifty dollars ($14,250). Orange County

69671 The annual salary of the Judge of the Superior Court of the County of Placer is thirteen thousand five hundred dollars ($13,500). Placer County

69672. The annual salary of the Judge of the Superior Court of the County of Plumas is ten thousand seven hundred fifty dollars ($10,750). Plumas County

69673 The annual salary of each Judge of the Superior Court of the County of Riverside is thirteen thousand five hundred dollars ($13,500). Riverside County

69674 The annual salary of each Judge of the Superior Court of the County of Sacramento is sixteen thousand seven hundred fifty dollars ($16,750). Sacramento County

San Benito County

69675. The annual salary of the Judge of the Superior Court of the County of San Benito is ten thousand two hundred fifty dollars ($10,250).

San Bernardino County

69676. The annual salary of each Judge of the Superior Court of the County of San Bernardino is thirteen thousand seven hundred fifty dollars ($13,750).

San Diego County

69677. The annual salary of each Judge of the Superior Court of the County of San Diego is sixteen thousand seven hundred fifty dollars ($16,750).

San Francisco County

69678. The annual salary of each Judge of the Superior Court of the City and County of San Francisco is sixteen thousand seven hundred fifty dollars ($16,750).

San Joaquin County

69679 The annual salary of each Judge of the Superior Court of the County of San Joaquin is thirteen thousand five hundred dollars ($13,500).

San Luis Obispo County

69680. The annual salary of the Judge of the Superior Court of the County of San Luis Obispo is eleven thousand seven hundred fifty dollars ($11,750).

San Mateo County

69681. The annual salary of each Judge of the Superior Court of the County of San Mateo is fifteen thousand dollars ($15,000).

Santa Barbara County

69682. The annual salary of each Judge of the Superior Court of the County of Santa Barbara is thirteen thousand seven hundred fifty dollars ($13,750).

Santa Clara County

69683. The annual salary of each Judge of the Superior Court of the County of Santa Clara is fourteen thousand two hundred fifty dollars ($14,250).

Santa Cruz County

69684. The annual salary of each Judge of the Superior Court of the County of Santa Cruz is fifteen thousand dollars ($15,000).

Shasta County

69685. The annual salary of the Judge of the Superior Court of the County of Shasta is twelve thousand dollars ($12,000).

Sierra County

69686. The annual salary of the Judge of the Superior Court of the County of Sierra is ten thousand dollars ($10,000).

Siskiyou County

69687. The annual salary of the Judge of the Superior Court of the County of Siskiyou is eleven thousand seven hundred fifty dollars ($11,750).

Solano County

69688. The annual salary of each Judge of the Superior Court of the County of Solano is fifteen thousand dollars ($15,000).

Sonoma County

69689. The annual salary of each Judge of the Superior Court of the County of Sonoma is thirteen thousand seven hundred fifty dollars ($13,750).

Stanislaus County

69690. The annual salary of each Judge of the Superior Court of the County of Stanislaus is thirteen thousand five hundred dollars ($13,500).

Sutter County

69691. The annual salary of the Judge of the Superior Court of the County of Sutter is thirteen thousand five hundred dollars ($13,500).

69692. The annual salary of the Judge of the Superior Court of the County of Tehama is ten thousand two hundred fifty dollars ($10,250). Tehama County

69693. The annual salary of the Judge of the Superior Court of the County of Trinity is twelve thousand dollars ($12,000). Trinity County

69694. The annual salary of each Judge of the Superior Court of the County of Tulare is fourteen thousand two hundred fifty dollars ($14,250). Tulare County

69695. The annual salary of the Judge of the Superior Court of the County of Tuolumne is ten thousand two hundred fifty dollars ($10,250). Tuolumne County

69696. The annual salary of each Judge of the Superior Court of the County of Ventura is fifteen thousand dollars ($15,000). Ventura County

69697. The annual salary of the Judge of the Superior Court of the County of Yolo is thirteen thousand seven hundred fifty dollars ($13,750). Yolo County

69698. The annual salary of the Judge of the Superior Court of the County of Yuba is thirteen thousand five hundred dollars ($13,500). Yuba County

Article 5. Sessions

69740. The determination of whether a city has the population prescribed in this article shall be made on the basis of the last preceding census taken under the authority of the Congress or the Legislature. Determination of population

69741. Except as otherwise provided by Section 68099 and this article, each superior court shall hold its session at the county seat. It shall hold regular sessions commencing on the first Mondays of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges of the court, except that in the City and County of San Francisco the presiding judge shall prescribe the times of holding such special sessions. Superior court session Place, times

69742. A session of the superior court shall be held at each city with a population of not less than 35,000 and in which the city hall is not less than eight miles from the site of the county courthouse. If such a city has a population of more than 125,000, at least three regular sessions of the superior court shall be held concurrently. Number

69743. By an order filed with the county clerk and published as a majority of the judges of the superior court of the county prescribe, such a majority, when it deems it necessary or convenient, may provide for and direct the holding of additional sessions in each of the cities described in Section 69742. Additional sessions

69744. When the judge or judges of the superior court of a county deem it necessary or advisable, by order filed with the county clerk and published as he or they prescribe, he or they may direct that the court be held or continued: Change of location

(a) At any place in the county, not less than 120 miles distant from the county seat.

(b) At any other city in the county with a population of not less than 7,000, in which the city hall is not less than 55 miles from the site of the county courthouse.

(c) At any other city in the county with a population of not less than 2,200 in which the city hall is not less than 60 miles from the site of the county courthouse.

Permissible locations, time

69745. A session of the superior court may be held for a period not exceeding two weeks in any one month at each city with a population of not less than 7,000 in which the city hall is not less than 55 miles from the site of the county courthouse.

Minimum sessions

69746. At least one session of the superior court shall be held in each city with a population of not less than 20,000 in which the city hall is not less than 30 miles from the site of the county courthouse.

69747. At least one session of the superior court shall be held in each city with a population of not less than 50,000 in which the city hall is not less than six miles from the site of the county courthouse.

69748. At least one session of the superior court shall be held in each city to which all of the following conditions apply:

(a) The city hall is not less than 18 miles from the site of the county courthouse.

(b) The city has a population of not less than 10,000.

(c) Within the 10-mile radius from the city hall there is a population of not less than 50,000.

(d) There are residing in the county at least 18 miles from the county courthouse not less than 15,000 persons, some of whom would be required to travel 50 miles to attend court at such city and at least 10 miles farther in order to attend the superior court at the county courthouse, or any other place where sessions of the superior court have been established.

Limitation of article

69749. Except in those cities in which sessions of the superior court are required by law to be held, on October 1, 1949, no sessions of the superior court shall be held in any city thereafter meeting the requirements of this article unless the city hall of that city is eight miles or more from the city hall of the nearest city in which one or more sessions of the superior court are held.

If after October 1, 1949, such sessions are authorized by law to be held in such city for the first time, the adequacy of the proposed court's quarters in which such sessions are to be held shall be approved in advance by a majority of the judges of the superior court.

Travel expenses

69750. Whenever, pursuant to this article or Section 68099, in the assignment of the business of the superior court it becomes necessary for a judge, clerk, deputy clerk, or court reporter who is regularly assigned to duty at the county seat or at a city outside of the county seat where a session of the superior court is held to travel to a city other than that to which he is regularly assigned for temporary attendance at a session of the superior court, he shall be allowed his necessary expenses in going to, returning from, and attending upon the business

of such court. Such expense is a charge against the treasury of the county and shall be paid out of the general fund.

Article 6. Extra Sessions

Extra sessions

69790. Whenever in the opinion of the judge or a majority of the judges of the superior court of any county the public interests so justify or require, one or more sessions of the superior court may be held in addition to and at the same time as the other sessions of the court. Such sessions shall be known as extra sessions of the superior court.

Time

69791. Whenever such judge or majority decide that an extra session of the court shall be held, he or they shall appoint the time when it shall be held. No extra session of any superior court shall continue beyond December 31st of the year in which it is established.

Place

69792. Such judge or majority shall also appoint a place within the county seat of the county where the extra session shall be held. Such judge or majority has the same power to provide a place for holding such extra session as a judge of a superior court has to provide a place for holding a session of a superior court.

Apportionment of business

69793. Whenever the judge of the superior court of a county with one judge of the superior court provides for an extra session of the court, at the time of so providing or from time to time during the continuance of the extra session, he shall apportion to the judge presiding over the extra session such portion of the business of the court as he may desire, and at the close of such extra session shall order such portions of the business so apportioned and not transacted to be transferred to himself.

Transfer of business

69794. Whenever the majority of the superior court judges of any county having more than one judge of the superior court provide for an extra session of the court, at the time of so providing or from time to time during the continuance of the extra session, such majority shall order transferred to the judge presiding over such extra session from the judges to whom they have been assigned according to law or the rules of the court, such portions of the business of the court as they may select. At the close of the extra session such majority shall order retransferred to the judges of the court such portions of the business so transferred and not transacted.

69795. Except as provided in this article, any rules of any superior court relating to the transfer of business from one judge of the court to another shall apply to the transfer from the judge presiding over any extra session of any business duly assigned to him to any judge of the court.

Judge of other county

69796. Upon the request of the judge or a majority of the judges of the superior court of any county, the Chairman of the Judicial Council shall designate and authorize a judge of the superior court of some other county to hold and preside over such extra session of the superior court of the county.

Upon such designation and authorization such judge shall so serve.

Judgments, etc., effective

69797. The judgments, orders, and proceedings of any extra session held pursuant to this article shall be equally effective as if any or all of the judges of such court presided at the session.

Other judges

69798. One or more judges of any superior court may hold and preside over any extra session of the court with or without the judges designated and authorized to hold and preside over the session. Any judge of any superior court may perform in connection with any business duly assigned to the judge presiding over any extra session of the court any act which he could perform in connection with any business assigned to any other judge of the court.

In chambers or in court

69799. Any judge holding or presiding over any extra session of a superior court may perform in chambers or in court, in connection with any business duly assigned to him, any act which could be performed by any judge of the court, in chambers or in court, in connection with such business if duly assigned to himself. No judge holding or presiding over any extra session of any superior court shall perform in chambers or in court any act in connection with any business that has not been duly assigned to him.

Compensation

69800. All laws applying to the compensation of a judge of a superior court holding the superior court in a county other than his home county apply to a judge holding extra sessions of a superior court in any county other than his home county.

Article 7. Clerk

Duties

69841. The clerk of the superior court shall attend each session of the superior court in his county and upon the judge or judges of the court in chambers when required.

Indexes maintained

69842. The clerk of the superior court shall keep such indexes as will insure ready reference to any action or proceeding filed in the court. There shall be separate indexes of plaintiffs and defendants in civil actions and of defendants in criminal actions. The name of each plaintiff and defendant shall be indexed and there shall appear opposite each name indexed the number of the action or proceeding and the name or names of the adverse litigant or litigants.

Issue process, etc

69843. The clerk of the superior court shall issue all process and notices required to be issued.

Minutes, orders, etc

69844. The clerk of the superior court shall keep the minutes and other records of the court, entering at length any order, judgment, and decree of the court which is required to be entered.

Register of actions

69845. The clerk of the superior court shall keep a register of actions in which shall be entered the title of each cause, with the date of its commencement and a memorandum of every subsequent proceeding in the action with its date.

69846. The clerk of the superior court shall safely keep or dispose of according to law all papers and records filed or deposited in any action or proceeding before the court. Papers and records

69847. The clerk of the superior court shall provide two books. In one of the books the clerk shall enter in alphabetical order the names of each person who has declared his intention to become a citizen of the United States since the organization of the court and the date of such declaration. In the other book the clerk shall enter in alphabetical order the name of each person who has been admitted a citizen of the United States by the court, and the clerk shall also enter in separate columns opposite each name, the country of which the person was before a citizen or subject, the date of his admission, and the page of the book of the record of the court containing the order admitting him as such citizen. Books Citizenship records

Article 8 Officers, Attaches, and Employees Generally

69890. In each county with a population of 300,000 and over, the judges of the superior court may appoint a secretary, who shall hold office at their pleasure and perform such duties as may be required of him by the court or the judges. The salary of the secretary shall be two hundred fifty dollars ($250) a month. The salary shall be audited, allowed, and paid out of the general fund of the county. Secretary

69891. In each county with a population of 65,500 or over where there is no jury commissioner provided, and with not more than three departments of the superior court in the county, to assist the court in the transaction of its judicial business, the judges of the court may appoint one competent stenographer or secretary skilled in such work for each judge of the superior court of the county, who shall render such service as the judge may require each day. The monthly salary of each such stenographer or secretary shall be three hundred dollars ($300). Stenographer, etc for each judge

The salary shall be paid out of the salary fund of the county, or if there is none, out of such fund as other salary demands against the county are paid The salary shall be allowed and audited in the same manner as the law requires for other salary demands against the county.

69892. In a county having a population of over 63,500 and not over 600,000 as determined by Section 28020, the judge of the superior court may appoint a secretary and not to exceed two assistant secretaries. Such appointees shall be exempt from civil service The board of supervisors shall fix the salary of the secretary and assistant secretaries at rates equivalent to the salary rate of county employees holding comparable positions under the county civil service or merit system, or if there is none, at rates equivalent to salary rate of county employees holding comparable positions The salary of the secretary shall not be less than three hundred dollars ($300) a month and the Secretary and assistants

salary of an assistant secretary shall not be less than two hundred seventy-five dollars ($275) a month.

Secretary of judges Jury commissioner

69893. In any county where there is a secretary of the judges of the superior court, a majority of the judges may require the secretary to perform the duties of jury commissioner in addition to his regular duties as secretary.

Salaries Secretaries as jury commissioners, assistants, etc

69894. In a county with a population of over 2,000,000 where the secretary to the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be nine hundred seventy-eight dollars ($978) a month. In such county, on the authorization of the judges, the secretary shall have one chief assistant secretary and three assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be: chief assistant secretary, five hundred fifty dollars ($550) a month, and three assistant secretaries, four hundred ninety-five dollars ($495) each a month. The salaries shall be paid by the county. All the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office.

69895. In any county with a population of less than 2,000,000 but more than 600,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand dollars ($1,000) a month.

In such a county with a population of over 750,000 but less than 2,000,000, on the authorization of the judges, the secretary shall have four assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be four hundred fifty dollars ($450) a month. In such a county with a population of more than 700,000 and less than 750,000, the secretary may have to assist him in the performance of his duties, three clerks who shall receive a salary of not less than one hundred seventy-five dollars ($175) nor more than three hundred fifty dollars ($350) a month. Each such clerkship shall be exempt from civil service laws. The salaries of such clerks shall be fixed by the board of supervisors of such county. The salaries of such secretaries and of such assistants shall be paid by the county in which they serve.

69896. In a county with a population of less than 600,000 as ascertained pursuant to Section 28020 where the secretary for the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be fixed by the board of supervisors

Probate commissioner

69897. The superior court of any county with a population of over 600,000 and under 900,000 may appoint a probate commissioner to assist the probate court in disposing of its business connected with the administration of justice. The person appointed shall be designated as probate commissioner of such county. He shall be a citizen of the United States, a resident of

this State and have been admitted to practice before the Supreme Court of this State. He shall hold office during the pleasure of the courts appointing him.

The appointment of the probate commissioner shall be made by order entered in the minutes of the court.

Every probate commissioner so appointed shall be in attendance at all sessions of the court. He shall examine all the files and proceedings and advise the court on them. He shall have the powers and duties delegated to him by the appointing court, including the powers conferred on court commissioners by this title or the Code of Civil Procedure.

Appointive employees Salaries

69898. In each county with a population of 2,000,000 and over, a majority of the judges of the superior court may also appoint the following employees:

(a) Four probate examiners, each at an annual salary of seven thousand two hundred sixty dollars ($7,260).

(b) Two assistant probate examiners, each at an annual salary of five thousand eight hundred twenty dollars ($5,820).

(c) One chief probate investigator at an annual salary of five thousand two hundred eighty dollars ($5,280).

(d) One probate investigator at an annual salary of four thousand six hundred twenty dollars ($4,620).

(e) Three senior probate checkers, each at an annual salary of four thousand two hundred ninety dollars ($4,290).

(f) Three intermediate probate checkers, each at an annual salary of three thousand three hundred dollars ($3,300).

(g) Two probate checkers, each at an annual salary of two thousand seven hundred eighty-four dollars ($2,784).

(h) Two jury supervisors, each at an annual salary of three thousand nine hundred dollars ($3,900).

(i) Two assistant jury supervisors, each at an annual salary of three thousand three hundred dollars ($3,300).

Same

69899 In each county with a population of 900,000 and over, a majority of the judges of the superior court may appoint the following employees:

(a) One administrative jury supervisor at an annual salary of four thousand nine hundred forty-four dollars ($4,944).

(b) Three supervising judicial secretaries, each at an annual salary of four thousand four hundred forty dollars ($4,440).

(c) One secretary for the appellate department of the superior court at an annual salary of four thousand four hundred forty dollars ($4,440).

(d) Twenty-eight senior judicial secretaries, each at an annual salary of four thousand two hundred ninety dollars ($4,290).

(e) Five judicial secretaries, each at an annual salary of three thousand three hundred dollars ($3,300).

(f) One property clerk, at an annual salary of three thousand three hundred dollars ($3,300).

(g) Six investigators of the domestic relations cases, each at an annual salary of four thousand seven hundred forty dollars ($4,740).

(h) Six junior clerks, each at an annual salary of two thousand five hundred thirty-two dollars ($2,532).

(i) Six intermediate typist-clerks, each at an annual salary of three thousand seventy-two dollars ($3,072).

(j) Three research assistants for the appellate department of the superior court, each at an annual salary of four thousand two hundred dollars ($4,200).

69900. In each county with a population of over 750,000 and under 900,000, a majority of the judges of the superior court may appoint the following employees:

(a) Grand jury statistician, at an annual salary of six thousand dollars ($6,000).

(b) Five senior legal stenographers, each at an annual salary of four thousand two hundred dollars ($4,200).

(c) One senior clerk at an annual salary of three thousand nine hundred dollars ($3,900).

(d) Two secretary-telephone operators, each at an annual salary of three thousand three hundred dollars ($3,300).

(e) One probate court commissioner at an annual salary of six thousand dollars ($6,000).

(f) One head clerk at an annual salary of four thousand eight hundred dollars ($4,800).

(g) Two domestic relations cases investigators, each at an annual salary of four thousand two hundred dollars ($4,200).

(h) One law clerk at an annual salary of four thousand eight hundred dollars ($4,800).

(i) One general clerk at an annual salary of three thousand three hundred dollars ($3,300).

Traveling, etc., expenses

69901. All of the employees provided for in Sections 69898, 69899, and 69900 shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their office.

Sources of payment

The salaries provided for in the said sections shall be paid in monthly installments out of the salary fund of the county, or, if there is none, out of such fund as other salary demands against the county are paid. The expenses provided for in this section shall be paid in monthly installments out of the general fund. Salaries and expenses shall be allowed and audited in the same manner as the law requires for other demands against the county.

Retirement

69902. Any county having a retirement system for its employees may include in it the employees and attaches of the superior court of that county whose salaries are paid by the county. Where such action is taken by any county the included employees and attaches shall be subject to all of the provisions of the local retirement system.

Article 9. Official Reporters Generally

Official reporters

69941. The judge or judges of any superior court may appoint a competent phonographic reporter, or as many such reporters as there are judges, to be known as official reporter

or reporters of such court, and to hold office during the pleasure of the appointing judge or judges.

69942. No person shall be appointed to the position of official reporter of any court unless there is satisfactory evidence of his good moral character, and unless he has been first examined as to his competency by at least three members of the bar practicing in the court Such members shall be designated by the judge or judges of the court. Qualifications

69943. Upon the request of the judge or judges of the court, the committee of members of the bar so designated shall examine as to qualifications any person whom the judge or judges wish to appoint as official reporter. No person shall be appointed to such position if the committee has not reported favorably upon his qualifications. The test of competency before such committee shall be as follows: The person examined shall write in the presence of the committee at the rate of at least 150 words a minute for five consecutive minutes upon matter not previously written by or known to him, immediately read it back to the committee, and transcribe it into longhand writing, plainly and accurately. If he passes the test satisfactorily, the committee shall furnish him with a written certificate of that fact, signed by at least a majority of the members. The certificate shall be filed among the records of the court. Examination Certificate

69944. Until an official reporter of any court or official reporter pro tempore has fully completed and filed all transcriptions of his notes in any criminal case on appeal which he is required by law to transcribe, he is not competent to act as official reporter in any court. When competent

69945. Except when excused for good and sufficient reason by order of the court, the official reporter of any superior court shall attend to the duties of his office in person. An order for excuse shall be entered upon the minutes of the court. Employment in his professional capacity elsewhere is not a good and sufficient reason for such excuse. When the official reporter of any court has been excused pursuant to this section, the court may appoint an official reporter pro tempore, who shall perform the same duties and receive the same compensation during the term of his employment as the official reporter. Reporter excused

69946. Before entering upon the duties of his office, the official reporter of any court or official reporter pro tempore shall take and subscribe the constitutional oath of office. Oath

69947. Except in counties where a statute provides otherwise, the official reporter shall receive for his services the fees prescribed in this article. Fees

69948. The fee for reporting testimony and proceedings in contested cases is twenty dollars ($20) a day. Contested cases

69949. The fee for reporting each default or uncontested action or proceeding is five dollars ($5). If more than four defaults or uncontested matters are reported in any one day, or two or more defaults are reported in conjunction with any contested case, the fee is twenty-five dollars ($25) a day. Defaults, uncontested action, etc

Transcription

69950. The fee for transcription for original ribbon copy is twenty-five cents ($0.25) for 100 words, and for each copy made at the same time ten cents ($0.10) each for 100 words.

69951. For transcription, in civil cases, the reporter may charge an additional 50 percent for special daily copy service.

Payment of fee Criminal cases

69952. In criminal cases in which the court specifically so directs, the fee for reporting and for a transcript ordered by the court to be made shall be paid out of the county treasury on the order of the court, except that when a daily transcript is ordered pursuant to Code of Civil Procedure Section 269 such section shall apply. In any case, the court shall not order to be transcribed and paid for out of the county treasury any matter or material except that reported by the reporter pursuant to Code of Civil Procedure Section 269. When there is no official reporter in attendance, and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention shall be fixed and allowed by the court and paid in like manner.

Same Civil cases

69953. In civil cases the fees for reporting and for all other transcriptions ordered by the court to be made shall be paid by the parties in equal proportion, and either party at his option may pay the whole. In either case, all amounts so paid by the party to whom costs are awarded shall be taxed as costs in the case. The fees for transcripts and copies ordered by the parties shall be paid by the party ordering them. No reporter shall perform any service in a civil action other than transcriptions until his fee for it has been deposited with the clerk of the court.

Destruction of reporting notes

69955. Unless otherwise directed by an order of the court in a specific case or cases, an official or pro tempore court reporter may destroy his reporting notes five years after the taking of them.

Article 10 Official Reporters in Counties With a Population of 127,000 to 130,000

Number of appointments

69990. In each county with a population of more than 127,000 and less than 130,000, as determined by the 1950 federal census, to assist the court in the transaction of its judicial business, a majority of the judges of the superior court for such county may appoint as many regular official phonographic reporters as necessary to report the proceedings in the court. The number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for the court. The reporters shall hold office during the pleasure of a majority of the judges of said court.

Duties, compensation

69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of five hundred dollars ($500). All other fees of such reporters shall be as elsewhere provided by law. In cases where

it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

Article 11. Official Reporters and Fees in Particular Counties

70040. Unless otherwise specifically provided, the determination of whether a county has the population prescribed in this article shall be made on the basis of the 1950 federal census. Population

70041. Unless otherwise specifically provided, the provisions of this article apply in each county described as follows: Applicability

(a) A county with a population of 70,000 or less, as determined by the 1940 federal census, and having two or more superior court judges

(b) A county with a population of 280,000 and under 285,000.

(c) A county with a population of over 295,000 and under 500,000.

(d) A county with a population of 500,000 and under 700,000.

(e) A county with a population of 700,000 or over.

70042 The provisions of this article are applicable in a county described in subdivisions (a) and (c) of Section 70041 only if the board of supervisors of such county by resolution adopts the procedure for the appointment and compensation of official phonographic reporters provided for in this article. Qualification

70043 To assist the court in the transaction of its judicial business by having the duties of phonographic reporters performed, a majority of the judges of the superior court of the county may appoint as many regular official phonographic reporters as necessary to report the proceedings in the court and to perform such duties The number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for the court. The reporters shall hold office during the pleasure of a majority of the judges of the court. Number appointed

70044. When needed in order that the judicial business of the superior court in the county may be diligently carried on and a particular matter may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding judge of the court and the judge presiding in the department where such reporter will serve. If such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter. Pro tempore official reporter

70045. In a county having a population of 70,000 or less, as determined by the 1940 federal census, and having two or more superior court judges, each regular official reporter shall Reporters, pro tempore reporters Salaries

be paid an annual salary of four thousand two hundred dollars ($4,200), and each pro tempore official reporter shall be paid fifteen dollars ($15) a day for the days he actually is on duty under order of the court.

70046. In a county with a population of 280,000 or more and under 285,000, each regular official reporter shall be paid an annual salary of six thousand dollars ($6,000), and each pro tempore official reporter shall be paid twenty dollars ($20) a day for the days he actually is on duty under order of the court.

70047. In a county with a population of over 295,000 and under 500,000, each regular official reporter shall be paid an annual salary of six thousand dollars ($6,000), and each pro tempore official reporter shall be paid twenty dollars ($20) a day for the days he actually is on duty under order of the court.

70048. In a county with a population of 500,000 and under 700,000, the annual salary of the regular official phonographic reporters shall be seven thousand two hundred dollars ($7,200), and the compensation of official phonographic reporters pro tempore shall be at the rate of twenty-five dollars ($25) a day.

70049. In a county with a population of 700,000 and under 750,000, each regular official reporter shall be paid an annual salary of six thousand dollars ($6,000), and each pro tempore official reporter shall be paid twenty dollars ($20) a day for the days he actually is on duty under order of the court.

70050. In each county with a population of 750,000 or over, the annual salary of the regular official phonographic reporters shall be seven thousand five hundred dollars ($7,500), and the compensation of official phonographic reporters pro tempore shall be at the rate of twenty-five dollars ($25) a day.

Fees limited

70051. No further fee than that prescribed in Sections 70045 to 70050, inclusive, shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court, but a phonographic reporter shall be allowed and unless waived by him shall receive the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid pursuant to Article 9 of this chapter and any other law pertinent to the case.

Salary payment

70052. The salaries provided for in this article shall be paid in monthly installments out of the salary fund of the county and shall be allowed and audited in the same manner as the law requires for other salary demands against the county.

Additional fees

70053. In addition to fees required by other laws, each party shall, or the parties appearing jointly shall jointly, pay the county clerk of the county the fee specified in Sections 70054 to 70059, inclusive, in each of the following instances:

(a) Where Section 26821 requires the party or parties to pay the clerk a fee for the filing of the first paper in a civil

action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, require the party or parties to pay the clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court. This subdivision does not apply to a county with a population of 70,000 or less by the 1940 census, or over 295,000 and under 500,000 by the 1950 census.

(c) Where Section 26822 requires the party or parties to pay the clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court. This subdivision applies only to a county with a population of 70,000 or less by the 1940 federal census, or over 295,000 and under 500,000 by the 1950 federal census.

(d) Where Section 26826 requires the party or parties to pay the clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent, or adverse party, except in an appeal from an inferior court. If any of such parties appear jointly they shall pay but one such additional fee of three dollars ($3), four dollars ($4), or five dollars ($5) as determined by Sections 70054 to 70059, inclusive.

(e) Where Section 26827 requires the party or parties to pay the clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

Amount of fee

70054. In a county with a population of 70,000 or less as determined by the 1940 federal census and having two or more superior court judges, the fee required by Section 70053 shall be three dollars ($3).

70055. In a county with a population of 280,000 or over and under 285,000, the fee required by Section 70053 shall be three dollars ($3).

70056. In a county with a population of over 295,000 and under 500,000, the fee required by Section 70053 shall be three dollars ($3).

70057. In a county with a population of 500,000 and under 700,000, the fee required by Section 70053 shall be four dollars ($4).

70058. In a county with a population of 700,000 and under 750,000, the fee required by Section 70053 shall be three dollars ($3).

70059. In a county with a population of 750,000 or over, the fee required by Section 70053 shall be five dollars ($5).

Fee taxed as costs

70060. The fee so required shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103.

Exemption

70061. In a county with a population of 280,000 and under 285,000, of 500,000 and under 700,000, or of 700,000 or more, the fee so required shall not be required of any party who is

exempted from the payment of costs by any statute other than Section 6103.

Disposition of fees collected

70062. On or before the first day of each calendar month, the county clerk shall transmit to the county treasurer all money paid to him pursuant to this article during the preceding calendar month, or up to the day immediately preceding that on which he transmits the money, and the money shall be deposited in the salary fund of the county.

Article 12. Alternative Provisions for Official Reporter in Counties With a Population of 700,000 or Over

Application of article

70100. This article applies in each county with a population of 700,000 or over, as determined by the 1950 federal census, in which the judges of the superior court for such county have not appointed regular official phonographic reporters pursuant to those provisions of Article 11 applicable to a county with a population of 700,000 or over.

Appointment

70101. If a majority of the judges of such court concur in an order that appointments may be made pursuant to this article, they may each appoint a competent phonographic reporter, specifying that the appointment is pursuant to Article 12, Chapter 5, Title 8, of this code.

Application of Article 11

70102. In such event all those provisions of Article 11 applicable to a county with a population of 700,000 or over, shall be in full force in such county except those provisions of Article 11 which conflict with this article and except that the official reporters appointed pursuant to this article shall not receive the annual salary provided in Article 11 but each shall be paid twenty-seven dollars and fifty cents ($27.50) a day for the days he is actually on duty under order of the court.

Additional duties

70103. In addition to his other duties, each reporter appointed pursuant to this article shall perform such secretarial services for the appointing judge as he requires in the performance of his official duties.

Deposit of fees paid

70104. In cases in which a phonographic reporter is requested and the fees provided for by Article 11 for counties with a population of 700,000 or over have not been paid, the parties litigant shall pay to the clerk of the court, prior to the hearing of the cases, the phonographic reporter's fees prescribed by Article 9. Such fees shall be deposited by the clerk in the county treasury to the credit of the salary fund of the county.

Article 13. Court Commissioners

Court commissioners: Appointment, salaries

70140. In any county with a population of 2,000,000 or over, the superior court may appoint 15 court commissioners. Each commissioner shall receive an annual salary of nine thousand two hundred forty dollars ($9,240).

Court commissioner

70141. To assist the court in disposing of its business connected with administration of justice, the superior court of any city and county may appoint not exceeding eight commissioners,

and the superior court of every county, except a county with a population of 2,000,000 or over, may appoint one commissioner. Each person so appointed shall be designated as "court commissioner" of the county.

Must be citizen, etc

70142. Every court commissioner shall be a citizen of the United States, a resident of this State, and shall hold office during the pleasure of the courts appointing him.

Two or more counties may have same commissioner

70143. The judges of the superior courts of two or more counties may appoint the same person as court commissioner.

Appointment by order

70144. The appointment of a court commissioner shall be made by order entered in the minutes of the court.

Grades

70145. Court commissioners appointed pursuant to Section 70141 are of two grades, Grade 1 and Grade 2. The superior court at the time of appointment shall designate the grade of the commissioner. Commissioners, Grade 1, are those commissioners who have performed the duties of a court commissioner or of a clerk of superior court judges or have had equivalent experience for a period of at least five years, and who have been approved by the court for appointment to Grade 1. All other commissioners are Grade 2.

Salaries

70146. Unless otherwise prescribed by law, when appointed pursuant to Section 70141 court commissioners, Grade 1, shall receive an annual salary of six thousand dollars ($6,000) and court commissioners, Grade 2, shall receive an annual salary of five thousand one hundred dollars ($5,100).

70147. The salary of a court commissioner appointed pursuant to this article shall be paid in monthly installments out of the salary fund of the county or, if there is none, out of such fund as other salary demands against the county are paid. Such salary shall be allowed and audited in the same manner as the law requires for other salary demands against the county.

Traveling expenses

70148. The court commissioners as provided for in Sections 70140 and 70141 shall be allowed actual traveling expenses incurred in the performance of their duties. Such expenses shall be audited, allowed, and paid out of the general fund of the county.

Chapter 6. Provisions Relating to Both Municipal and Justice Courts

Article 1. General Provisions

Applicable laws

71001. All laws relating to the municipal and justices' courts existing prior to November 7, 1950, and to the judges, marshals, constables, and other officers or attaches of the courts, not inconsistent with the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, apply to the municipal and justice courts provided for in the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, and to the judges, marshals, constables, and other officers or attaches of the courts until altered by the Legislature.

Quarters, supplies, etc

71002. The board of supervisors shall provide suitable quarters for the municipal courts and justice courts, including

heating, lighting, and janitorial services, and shall supply them with furniture, books, and supplies necessary for carrying out their duties, including supplies and equipment for the preparation and maintenance of duplicate records of the court or a division of the court when sessions are held at more than one place.

Powers

71003. The municipal court and the justice court and each judge of the court has all the powers and shall perform all of the acts which were by law conferred upon or required of any court superseded by such municipal or justice court and any judge or justice of such superseded court, and all such laws not inconsistent with the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, apply to any such municipal and justice court and to each judge of such court.

71004. Whenever by law any power is conferred, or duty imposed, upon a clerk of any court superseded by a municipal or justice court, the person discharging the same or similar duties in the municipal or justice court has the same power and duty with respect to his office in the municipal court or justice court.

Maintenance of courts, etc

71005. The provisions of the Municipal Court Act of 1925 relative to the obligations of counties and cities in connection with the cost of maintaining and operating municipal courts and relative to the disposition of fines and forfeitures collected therein shall not apply to municipal courts from and after January 1, 1952.

Disposal of fines, etc

71006. All fines, forfeitures, deposits in court, and unclaimed bail shall be disposed of as provided in Section 1463 of the Penal Code and Sections 770 and 771 of the Vehicle Code.

Article 2. Creation of Judicial Districts

Judicial districts

71040. As public convenience requires, the board of supervisors shall divide the county into judicial districts for the purpose of electing judges and other officers of municipal and justice courts, and may change district boundaries and create other districts. No city or city and county shall be divided so as to lie within more than one district, and no two or more cities, each of which has a population in excess of 40,000 according to the last preceding federal census, shall be included in one district.

71041. Unless other provision has previously been made by the board of supervisors, the township subdivisions of a county existing as of January 1, 1951, and the cities in which municipal courts have been established prior to November 7, 1950, pursuant to the Municipal Court Act of 1925 shall be deemed to be the judicial districts provided for in Section 71040, until otherwise provided by law or until altered by the board of supervisors. In every county containing a city which lies partly within one township and partly within another, and in every county in which two or more cities, each having a population in excess of 40,000 according to the last preceding federal census, are

included in a single township, the board of supervisors shall immediately after January 1, 1951, redistrict the county so as to comply with Section 71040.

71042. From time to time, following its survey of the condition of business in the several courts, the Judicial Council shall submit to the boards of supervisors its recommendations concerning the consolidation or enlargement of judicial districts and other alteration of district boundaries with a view toward creating a greater number of full-time judicial offices, equalizing the work of the judges, expediting judicial business, and improving the administration of justice. Alteration of district boundaries

71043. The determination of whether a judicial district has a population above or below 40,000 shall be made on the latest occurring of the following bases: Population

(a) As shown by the last preceding federal census of the district or of the aggregate cities and other political subdivisions situated within the district, whichever is greater.

(b) As shown by a subsequent census taken pursuant to Section 26203.

(c) As may have been found to be the fact in any proceeding in mandamus brought in a court having jurisdiction.

71044. When any enumeration of the population of a city made by the United States Bureau of Census is officially announced and certified and a copy filed with the Secretary of the State, it shall be considered the federal census of the city within the meaning of this article.

71045. Each judicial district shall be named by the board of supervisors of the county in which it is situated, and the municipal or justice court established in the district shall be designated by that name. The board of supervisors shall select a name which as nearly as possible identifies the communities embraced in the district. Name

71046. The board of supervisors shall declare the name of each judicial district in the ordinance setting forth the boundaries of the district.

Article 3. Personnel, Records, and Cases of Superseded Courts

71080. After January 1, 1952, upon the establishment of a municipal or justice court, the judges of existing courts inferior to the superior court in any city, township, or judicial subdivision situated wholly or partly in the district or city and county for which a municipal or justice court is established shall, if eligible, become the judges of such municipal or justice court until the election or appointment and qualification of their successors. If the number of eligible incumbent judges who have not filed a written statement with the county clerk disclaiming their desire to succeed to office exceeds the number of judicial offices provided by law for such municipal or justice court, such incumbents shall not automatically succeed to judicial positions in the municipal or justice court, and the existing courts shall Judges of superseded courts

continue to function within the district until the first judge or judges of such municipal or justice court are elected by the qualified electors of the district at the first general state election held following the expiration of 90 days and qualify.

Eligibility to more than one court

71081. Whenever the judge of an existing court would be entitled pursuant to this article to become the judge of more than one court, he shall file a written statement with the county clerk electing the judicial office to which he will assert his claim of eligibility. Failure to file a statement is deemed an election by the judge to assert his claim of eligibility to office in the court of the district in which the existing court is located.

Municipal Court Act of 1925

71082. Notwithstanding anything to the contrary in the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, the judges, officers, and attaches of a municipal court established prior to November 7, 1950, under the Municipal Court Act of 1925 who hold such offices or employments on January 1, 1952, shall continue to hold offices or employments as the judges, officers, and attaches of the municipal court established for the city and county or district embracing the city in which they were elected or appointed to serve until the election or appointment and qualification of their successors.

Annexed territory

71083. If there is annexed to a district or city in which a municipal court is established and functioning, territory in which another court inferior to the superior court is established, upon the annexation such other court ceases to exist in the territory annexed. If an additional judicial office has been provided by law for the municipal court by reason of annexation of territory or increase in population, the incumbent judge of the court partly or wholly superseded shall, if qualified, automatically succeed to the additional judicial position in the municipal court until the election or appointment and qualification of his successor. If the number of qualified incumbent judges of existing courts in the territory exceeds the number of additional judicial offices, such incumbents shall not automatically succeed to the additional offices, and the existing courts shall continue to function within the annexed territory until the first judge or judges are elected to the additional judicial position or positions in the municipal court at the first general state election held following the expiration of 90 days and qualify.

Municipal court replacing justice court

71084 Whenever a municipal court is established in a district in which a justice court was previously established or in a district formed from territory formerly included in justice court districts, the justice court shall cease to exist within the district for which the municipal court is established, and the term of office of the judges of justice courts situated wholly within such district shall terminate upon the selection and qualification of the first judges of the municipal court. The selection shall be made pursuant to Sections 71080 and 71081.

Clerks, marshals, etc., of superseded courts

71085. The clerk, or chief clerical officer by whatever name known, the marshal or constable, or similar official, their deputies

and attaches, and all other officers or employees of each court wholly or partly superseded by a municipal or justice court shall become the clerk, the marshal, or constable, their deputies and attaches, and officers or employees of such municipal or justice court upon its organization, so far as such positions are provided by law. The judge of an existing court who does not succeed to judicial office shall be deemed to be a clerk or chief clerical officer within the meaning of this section.

71086. All persons specified in Section 71085 shall be deemed to be appointed upon the organization of the court and to have met all of the requirements for appointment to permanent positions as provided in the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, and shall be removed only for the causes and in the manner provided for the removal of officers and attaches.

71087. When a constable who has been elected becomes a marshal, he shall continue in office until his successor is elected and qualifies, and in such cases the marshal shall be elected by the electors of the judicial district at the general state election for a term of six years from and including the first Monday in January after the January 1st next succeeding his election. The first election of marshals pursuant to the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, shall take place at the general state election held in 1954.

71088. Any police officer appointed and acting as bailiff in any court superseded by a municipal or justice court shall be deemed to be appointed ex officio a deputy marshal or deputy constable subject to the same conditions under which he was first appointed, without prejudice to his rights by virtue of his employment as police officer.

Sheriff and deputy sheriffs of city and county

71089 In any city and county having a consolidated city and county government, the sheriff of the city and county and his deputies shall be ex officio the marshal and deputy marshals of the municipal court and shall perform all the duties imposed and exercise all the powers conferred upon the marshal and deputy marshals of the municipal court.

71090 Persons succeeding to the office of constable of a justice court shall continue in office until their successors are elected or appointed and qualify.

Conflict as to office

71091. If it appears that two or more clerks, marshals or constables, deputies, and other officers or attaches are equally entitled by virtue of the office held in any superseded court, to any one office in the municipal or justice court, the judge, a majority of the judges, or the judge senior in service when there is an equal division of the judges shall determine which person is entitled to the office in which the conflict exists, unless the office in which the conflict exists is that of constable of a justice court, in which case the board of supervisors of the county in which the court is situated shall determine which person is entitled to the office.

Duties and compensation

71092. So far as practical, upon the organization of the court, the clerks, deputies, and attaches or employees of the

superseded court shall be assigned to positions in the municipal or justice court similar in duties and compensation to the positions held in the superseded court.

Benefits and privileges

71093. Every person who succeeds to any office or position in the municipal or justice court pursuant to the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, is entitled to all of the benefits and privileges, not inconsistent with such act or provisions of law, which attached to such person by virtue of his office or position in any superseded court.

Retirement

71094. Continuous employment in a court superseded by a municipal or justice court, or in a court previously superseded by such superseded court, of the officers and attaches of such superseded court who succeed to positions in a municipal or justice court pursuant to the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, shall be considered as prior service within the definition of that term in any retirement or pension system adopted which includes municipal or justice court officers and attaches.

Transfer of actions and records

71095. All actions pending in, and records of, every court inferior to the superior court in any city, city and county, township, or judicial subdivision situated wholly within a district for which a municipal or justice court is established shall, upon the supersedure of such existing court, be transferred to and become cases pending in and records of the municipal or justice court. All actions pending in, and records of, an existing court in any township or judicial subdivision situated partly within one district for which a municipal or justice court is established and partly within another such district shall, upon the supersedure of such existing court, be transferred to and become cases pending in and records of the municipal or justice court of the district in which the action should have been brought had such court been established and organized when the action was brought.

71096. Whenever all of a judicial district in which a justice court is established is annexed to a district with a municipal court, the cases pending in and records of the justice court in the territory so annexed shall, upon the supersedure of such court, become cases pending in, and the records of, the municipal court.

Annexation of less than all of a judicial district

71097. Whenever part of a judicial district in which a justice court is established is annexed to a district with a municipal court, the justice court shall continue in the part of the district not so annexed unless otherwise provided by the board of supervisors. The cases pending in, and records of, such justice court shall continue in that court. Thereafter any action then pending, with the records of the action, which could or should have been brought in the municipal court, if such municipal court had been established at the time such action was brought, shall upon motion of any party to the action be transferred to and become a case pending in and records of the municipal court.

71098. Any action pending in the superior court upon the establishment and organization in the county of a municipal or justice court which would be within the jurisdiction of the municipal or justice court if commenced after its establishment shall continue in the superior court until final determination. Actions pending in superior court

71099. Whenever a municipal or justice court is established in a city and county or in a district containing a city in which there is an officer charged with the duty of prosecuting misdemeanor charges in a court superseded by such municipal or justice court, he shall prosecute all such misdemeanor charges in the municipal or justice court with the same rights, duties, and privileges that he formerly exercised with respect to such charges in the superseded court, including the prosecution of appeals in criminal cases arising in the municipal or justice court and the defense of all writs arising out of arrests for offenses triable in the municipal or justice court in whatever court or courts they may be appealed to or initiated in. Officers charged with prosecuting misdemeanors

71100. Whenever a municipal or justice court is established in a city and county or in a district containing a city in which there is a probation officer, public defender, parole board, or other officer or board charged with duties relating to misdemeanor charges prosecuted in a court superseded by the municipal or justice court, the boards, officers, and their deputies shall perform the same duties in the municipal or justice court as they performed in the superseded court.

Article 4. Qualifications, Election, and Term of Office of Judges and Other Personnel

71140. The judges of a municipal court and the judges, officers, and attaches of a justice court shall be electors of the judicial district or city and county in which they are elected or appointed. This requirement shall not affect the right of any person to automatically succeed to an office or position pursuant to Sections 71080 to 71083, inclusive, and Sections 71085 to 71090, inclusive, nor the right of any person to be constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs. Qualifications

71141. Judges of the municipal court and justice court shall be elected at the general state election next preceding the expiration of the term for which the incumbent has been elected. Elections

71142. Judges of municipal courts in the City and County of San Francisco shall be elected at the time and in the manner prescribed in its charter.

71143. The provisions of the Elections Code relating to the nomination and election of judicial officers apply to the judges of municipal and justice courts.

71144. No judge shall be deemed to have qualified before the date fixed for the commencement of his term of office.

71145. The term of office of judges of municipal and justice courts is six years from and including the first Monday of Terms

January after the January 1st next succeeding their election. Judges shall hold office until their successors are elected and qualify, but the office shall be deemed to be vacant upon the expiration of the fixed term for the purpose of selecting a successor.

Incumbent judges

71146. Nothing in the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, shall affect the term of office of any incumbent judge of a municipal court established prior to November 7, 1950, pursuant to the Municipal Court Act of 1925. If the time fixed for the election of his successor is at a time when no general state election is held, such judge shall continue to hold office until his successor has been elected and qualifies, election to be held at the general state election next succeeding the expiration of his term.

Article 5 Filling of Vacancies

Vacancies judges

71180 Any vacancy in the office of judge of a municipal court shall be filled by appointment by the Governor and any vacancy in the office of judge of a justice court shall be filled by appointment by the board of supervisors of the county in which the justice court is situated, but no vacancy shall be deemed to exist in any such office before the time fixed in Sections 71080, 71082, and 71083 for the selection of the judges of such court and the time fixed by law for their qualification. The appointee shall hold office for the remainder of the unexpired term of his predecessor and until his successor is elected and qualifies. If the office to which any person so appointed was not previously occupied, he shall hold office until his successor is elected at the general state election next succeeding the occurrence of the vacancy and qualifies. No successor to such appointee shall be elected at any election held within 10 months of the date of the occurrence of the vacancy.

Clerk and marshal

71181. All vacancies in the office of clerk of a municipal or justice court and marshal of a municipal court shall be filled by appointment by the judge, by a majority of the judges, or by the judge senior in service when there is an equal division of the judges. All vacancies in the clerk's office shall be filled by appointment by the clerk.

Marshal's employees

71182. All vacancies in the marshal's office shall be filled by appointment by the marshal. The marshal may appoint a deputy clerk or court clerk, ex officio a deputy marshal, but no person so appointed shall receive any increased compensation by reason of such appointment.

Civil service commission

71183. In any county or city and county which has a civil service commission, all appointments to fill vacancies pursuant to Sections 71181 and 71182 shall be from among the three highest of those certified to the appointing authority by the commission to be eligible to the office or position to be filled. Such eligible lists shall be obtained as the result of a competitive examination given to determine the relative fitness of those taking it for the position to be filled. A temporary ap-

pointment may be made if there is no list containing at least three names of persons eligible and willing to accept an appointment. A temporary appointment is not valid more than 30 days after a list of three eligibles is certified to the appointing authority by the commission If no eligible list is certified to the appointing authority within six months after a temporary appointment, the appointing authority may declare the appointment permanent and the appointee thereafter is entitled to all the rights and privileges of one examined and certified by the commission and appointed under such certification.

71184 In any county or city and county which has no civil service commission, the secretary of the court, the clerk, the marshal, and their deputies and attaches shall be appointed because of their ability and fitness for the positions they are to fill. The appointments shall be subject to confirmation by the judge, by a majority of the judges of the court, or by the judge senior in service when there is an equal division of the judges

Article 6 Payment of Salaries and Traveling Expenses of Judges

Payment of salaries

71220. The salaries of the judges, clerks, marshals, constables, and other officers or attaches of each municipal court and justice court shall be paid by the county in which the court is situated out of the salary fund or, if there is none, out of the general fund of the county.

Monthly certification

71221. The clerk of each municipal and justice court, or if there is none, the judge of the court, shall certify monthly to the county auditor a list showing the amount of compensation of the judges, clerks, and other officers and attaches of such court, except marshals or constables. The marshal of a municipal court or the constable of a judicial district shall certify monthly to the county auditor a list showing the amount of compensation of the marshals of the court or the constables in the judicial district.

Traveling expenses

71222. In addition to salary, any judge of a municipal or justice court assigned by the chairman of the Judicial Council to a municipal or justice court other than that in which he regularly sits shall be allowed traveling expenses of seven cents ($0 07) a mile for each mile actually and necessarily traveled in the discharge of such assignment. The mileage shall be measured by the shortest practicable route from the chambers of the court in which such judge regularly sits to those of the court in which he sits by assignment, or from his residence to the court to which he is assigned, whichever is the least.

Article 7. Clerk, Marshal, and Constable

Tenure in office

71260. The clerk of the court, the marshal, and their deputies and attaches, and other appointive officers or attaches of the court who were appointed from civil service lists or who are entitled to the rights and privileges of one so appointed pursuant to law shall hold office during good behavior and may

be discharged by the appointing authority only for the good of the service.

Discharge Filing of charges

71261. The reasons for the discharge shall be filed with the secretary of the court, or if there is none, with the clerk of the court, at least 10 days before the discharge shall be effective. Upon the filing of the reasons, the person proposed to be discharged may be suspended from duty with or without pay, pending his final discharge.

Reply

71262. The person against whom charges have been filed may within 10 days file his reply. At the end of the 10 days the person shall be either reinstated or discharged unless an additional time for investigation is desired by the appointing officer.

Determination final

71263. The determination of the appointing authority to discharge the person against whom charges have been filed is final, except that nothing in the Municipal and Justice Court Act of 1949, or any provision of law succeeding that act, shall limit the right of any person to the benefits of the civil service provisions of the charter of the county or city and county in which any such court is situated, or of the rules of the civil service commission having jurisdiction of such person, respecting suspensions and dismissals.

Writs, processes, etc

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

71265. All provisions of Government Code Sections 26600-26602, 26604, 26606-26609, 26611, 26660-26664, 26680-26684, 26686, and Code of Civil Procedure Sections 262, 262.1, 262.2, 262.3, 262.4, and 262.5, apply to marshals and constables and govern their powers, duties and liabilities.

Fees

71266. Marshals and constables shall charge and collect for their services the fees allowed by law to sheriffs, except insofar as other provision is made for constables in Chapter 2, Part 4, Division 2 of Title 3. They shall pay such fees into the county treasury on or before the fifth day of each month, except where such fees or a percentage of them are allowed such officers.

Revolving fund

71267. The board of supervisors may establish a revolving fund for the use of the clerk or marshal or constable of any municipal or justice court within the county pursuant to Sections 29320 to 29331, inclusive.

Assignment of duties not exclusive

71268. Whenever a special assignment or branch of work is indicated for a particular deputy or position in the clerk's or marshal's office, except that of custodian, the assignment so designated is not intended to be exclusive, but to designate the principal work incident to such deputy or position.

71269. In order to equalize the work of the office of the clerk or marshal and to render prompt and efficient service to the public, each deputy clerk, deputy marshal, or attache shall perform such service as the clerk or marshal directs, whether the service is within the scope of the special designation or not.

Article 8. Retirement of Marshals and Constables

"Marshal" or "constable"

71300. As used in this article "marshal" or "constable" means the marshal or the constable and any deputy marshal or deputy constable actively employed in the performance of duties as deputy marshal or constable. Other employees, including clerks, bookkeepers, stenographers, or persons who may be appointed deputy marshal or constable but who do not perform the duties of such office, and persons holding honorary appointments as deputies but who receive no compensation and who do not regularly perform official duties are not included in this definition.

Purpose of article

71301. The purpose of this article is to recognize a public obligation to the marshal and constable, whose duties expose them to more than ordinary risk and this article is designed to provide an additional element of compensation in consideration for the duties performed by such persons.

Pension or retirement annuity

71302. In addition to the compensation and allowances, there shall be allowed to the marshal and constable the right to a pension or retirement annuity in the same manner and amount and under the same terms and conditions as provided by law for county and township peace officers.

Deemed county employees

71303. Where a county and township peace officers' retirement or pension system is established, the marshal and constable shall be included in the system and, for the purpose of carrying out this article and enabling them to benefit thereby, they shall be deemed to be county employees for this purpose and the pension provided and payable to the marshal and constable is a legal charge against the county, subject to the provisions of such county and township peace officers' retirement or pension system.

Prior service

71304. In computing the length of service of any person entitled to the benefits of a pension or retirement annuity pursuant to this article, there shall be counted the time such person has served in a similar capacity with regard to his duties as an officer of any superseded court in the county, or that he may have served as a peace officer, as defined in the county and township peace officers' pension or retirement act in the county. The service shall be continuous service as provided in such county or township peace officers' pension or retirement act.

Applicability

71305. The retirement annuity or pension provided by this article shall be granted to the marshal and constable only if in the county where the municipal or justice court is located there is provided a retirement annuity or pension for county and township peace officers who perform duties of the same character as those performed by the marshal and constable.

Article 9. Sessions of Court

Number of sessions

71340. There may be as many sessions of a municipal or justice court at the same time as there are judges elected, appointed, or assigned to the court. The judgments, orders, and proceedings of any session of a municipal or justice court held by any one or more of the judges sitting in the court shall be equally effectual as though all the judges of the court presided at the session.

Place of sessions

71341. Sessions of a municipal or justice court may be held at any place or places within the district for which the court is established. The board of supervisors shall designate by ordinance the place or places within the district where sessions of the justice court shall be held. It may change the places if public convenience requires, and in counties in which there are one or more but less than 10 municipal courts may provide for holding sessions of a municipal court in any district of the county in which a justice court is established for the purpose of hearing cases above the jurisdiction of justice courts The board of supervisors shall provide in such ordinance for the holding of sessions of the justice court in every city not included within a judicial district in which there is a municipal court.

71342. Where a municipal court district embraces two or more cities, municipal court sessions shall be held at such places within the district as the board of supervisors by ordinance shall designate from time to time as the public convenience requires.

Trial jurors

71343. In any judicial district containing a city of the first and one-half class in which a municipal court is established and where a session of the court is held at a place more than 20 miles from the principal office of the court, a majority of the judges of the court may establish an area surrounding the place where such session is being held comprising a population of at least 10,000, from which trial jurors for such session of the court shall be selected.

Article 10. Uniform Accounting System for Municipal and Justice Courts

Uniform accounting system Establishment

71380. The State Controller shall establish, supervise, and as necessary from time to time modify a uniform accounting system, including a system of audit, for municipal courts and justice courts, to the end that all money received and disbursed by such courts shall be properly and uniformly accounted for.

Trust bank accounts

71381. Such system shall provide for trust bank accounts for each municipal or justice court, in which all money received by such court shall be deposited and from which all disbursements by such court shall be made, and for such records, reports, and procedures as the State Controller may deem necessary to carry out the purposes of this article.

Penalty

71382. Every judge of a municipal court or justice court, or the clerk of any such court who wilfully fails to keep accounts pursuant to the system or to account for the money paid into

and disbursed by his court pursuant to the system established by the State Controller pursuant to this article is guilty of a misdemeanor.

71383. The accounts of each municipal court and justice court shall be audited at least once a year. The county auditor shall supply the State Controller with a certified copy of each audit. If the accounts of any municipal or justice court are not audited annually, the State Controller shall audit them. Annual audit

71384. In counties having a population in excess of 2,000,000, the system established pursuant to this article may provide for the deposit of all money collected by municipal and justice courts in the county treasury, for disbursement from it, and for the audit of such accounts by the county auditor. Counties having population over 2,000,000

71385. This article shall supersede any conflicting provisions of law existing on September 22, 1951. Conflicting provisions

CHAPTER 7. JUSTICE COURTS

Article 1. Judges and Officers

71600. The board of supervisors shall regulate the compensation of the judges and constables of justice courts, and prescribe the number, qualifications, and compensation of such clerks, deputies, and other attaches of justice courts as public convenience requires. In any chartered county all such matters shall be regulated in the manner, if any, set forth in the charter with respect to township officers and employees. Compensation, etc

71601. No person is eligible to the office of judge of a justice court unless he either has been admitted to practice before the State Supreme Court or has passed a qualifying examination under regulations prescribed by the Judicial Council. This requirement does not apply to the incumbent of a superseded inferior court who succeeds to the office of judge of a justice court or is elected to such office at the first election of judges pursuant to the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act, or who seeks re-election to such office. Eligibility

71602. For each judicial district in which a justice court is established, a constable shall be elected by the electors of the district at the general state election for a term of six years from and including the first Monday in January after the January 1st next succeeding his election. The first election of constables under the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act shall take place at the general state election in 1954. In any county governed by a charter which provides for the appointment of constables of townships, the constable of a justice court shall be appointed in the manner provided in the charter. Election of constables

71603. Unless otherwise provided in the county charter, a vacancy in the office of constable shall be filled by appointment by the board of supervisors of the county in which the justice court is situated. The appointee shall hold office for the unexpired term of his predecessor or until his successor is elected and qualifies. Filling vacancies

Powers and duties.

71604. With respect to proceedings in a justice court, the constable of the court has all the powers and duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Traveling expenses, etc.

71605. In addition to their salaries, judges and clerks of justice courts shall be allowed their necessary traveling expenses at the rate fixed by the board of supervisors when the business of the court requires their attendance at any session held more than 12 miles from the principal office or place designated for holding regular sessions of the court, and the board of supervisors may allow the judges, officers and attaches of justice courts other expenses incurred in the actual performance of their duties.

Substitute judge Same county

71606. At the written request of a judge of a justice court, another judge of a justice court within the same county may attend the court of the requesting judge, and thereupon is vested with the power, and may perform all the duties, and issue all the papers or process of the judge making the request. In any such case the proper entry of the proceedings before the attending judge, subscribed by him, shall be made in the docket or minutes of the court which he so attends, and the entry shall be prima facie evidence of such proceedings, and form and become a part of the record of any, or any part of any and all actions, causes, or proceedings had before such attending judge while so holding court. If any case pending before such attending judge is adjourned, and the cause for requesting his attendance is removed, the judge who made such request may resume jurisdiction.

Adjoining county

71607. A judge of an adjoining county may be requested to attend, and may attend, the court of the requesting judge pursuant to Section 71606 in the same manner and with the same rights, powers, and duties as if he were a judge of a court within the same county. In cases of a vacancy, illness, disqualification, or inability of a judge to act, the board of supervisors may request and appoint another judge to attend such court, and the judge so attending has the same rights, powers, and duties and shall have the same qualifications as though appointed by a judge pursuant to Section 71606 or this section.

Substitute judge's expenses

71608. A judge acting as substitute for another pursuant to Section 71606, either at the written request of the judge for whom he is substituting or by assignment of the Chairman of the Judicial Council, shall receive from the county in which the court is situated the amount of actual and necessary traveling expenses incurred by him while traveling between his home and the courtroom.

Collection of money on process, order

71609. A judge of a justice court shall receive from the sheriff or constables of their county, all money collected on any process or order issued from his court, and shall pay it, and all money paid to him in his official capacity, over to the parties entitled or authorized to receive it, without delay.

Affidavit

71610. No judge of a justice court who is paid a salary shall draw or receive any monthly salary unless he makes and

subscribes an affidavit before an officer entitled to administer oaths that no cause in his court, which has been submitted for decision for a period of 30 days, remains pending and undecided, that he has complied with the provisions of Section 744 of the Vehicle Code and that he has reported to the Judicial Council at the times and in the manner requested by the chairman of the council concerning the condition, and manner of disposal, of judicial business in his court.

Expiration of office

71611. Upon the expiration of his term of office, each judge of a justice court shall deposit with his successor all official records and all papers filed in his office, to be kept as public records.

Vacancies Disposition of records and papers

71612. If the office of a judge of a justice court becomes vacant by his death or removal from the district, or otherwise, before his successor is elected and qualified, the records and papers in possession of such judge shall be deposited in the office of some other judge in the district who shall deliver them to the successor of such judge. If there is no other judge in the district, the records and papers of such judge shall be deposited in the office of the county clerk of the county, who shall deliver them to the successor in office of the judge.

Jurisdiction

71613. Any judge with whom the records of his predecessor, or of any other judge, are deposited has the same jurisdiction over all actions and proceedings entered in such records, as if they were originally commenced before him. For the purposes of this section, if a new county is created, or the boundaries changed between two counties, any judge into whose hands the records of a judge formerly acting as such within the same territory may come is considered the successor of such former judge.

"Docket" and contents

71614. Every judge of a justice court shall keep a book, denominated a "docket," in which he shall enter:

(a) The title of every action or proceeding.

(b) The object of the action or proceeding, and if a sum of money is claimed, the amount.

(c) The date of the summons, and the time of its return and if an order to arrest the defendant is made, or a writ of attachment is issued, a statement of the fact.

(d) The time when the parties, or either of them, appear, or their nonappearance, if default is made. A minute of the pleadings and motions, if in writing, referring to them and if not in writing, a concise statement of the material parts of the pleading.

(e) Every adjournment or continuance, stating on whose application and to what time.

(f) The demand for a trial by jury, when made, and by whom made, the order for the jury, and the time appointed for the return of the jury and for the trial.

(g) The names of the jurors who appear and are sworn, and the names of all witnesses sworn, and at whose request.

(h) The verdict of the jury, and when received. If the jury disagree and are discharged, the fact of such disagreement and discharge.

(i) The judgment of the court, specifying the costs included and the time when rendered.

(j) The issuing of the execution, when issued and to whom and any renewals, and when made, and a statement of any money paid to the judge, when, and by whom.

(k) The receipt of a notice of appeal and of the appeal bond.

Entries prima facie evidence

71615. The several particulars specified in Section 71614 shall be entered under the title of the action to which they relate, and, unless otherwise provided, at the time when they occur. Such entries in the docket in a justice court, or a transcript of them, certified by the judge, or his successor in office, are prima facie evidence of the facts so stated.

Index

71616. A judge of a justice court shall keep an alphabetical index to his docket, in which shall be entered the names of the parties to each judgment, with a reference to the page of entry. The names of the plaintiffs shall be entered in the index, in the alphabetical order of the first letter of the family name.

Retirement, pension

71617. Officers and attaches of a justice court shall be deemed to be county officers and employees subject to the provisions of any county employees' retirement or pension system established in the county.

Article 2. Fees of Judges

Fees posted

71660. Each judge of a justice court shall prepare and keep posted in a conspicuous place in his office a plain and legible statement of the fees allowed by law to judges of a justice court and constables. For failure so to do, he shall forfeit fifty dollars ($50), to be recovered, with costs, by any person, before any other judge of a justice court of the county.

Receipts

71661. When any money is paid into his court, each judge of a justice court shall issue forthwith a receipt for it in triplicate upon a form prescribed by the auditor of the county in which the court is situated. The receipts shall be numbered in numerical sequence and the original copy shall be delivered to the payor, the duplicate copy shall be filed with the county auditor at the time such money is deposited in the county treasury, and the triplicate copy shall be filed in the office of the judge.

Notice

71662. Each judge of a justice court shall keep posted in a conspicuous place in his office, a plain and legible notice reading substantially as follows: "Notice to Public—Each judge of a justice court is required by law to forthwith give official receipts for any money paid into his court. Secure your receipt when payment is made."

Misconduct, removal, penalty

71663. Failure, refusal, or neglect on the part of any judge of a justice court to comply with Sections 71661 and 71662 constitutes misconduct in office and is ground for removal. Any

judge of a justice court who fails, refuses, or neglects to comply with the said sections is guilty of a misdemeanor.

Fees

71664. Except as otherwise provided by law, a judge of a justice court shall charge for all services to be performed by him in civil actions the fees specified in this article.

Filing complaint

71665. The fee for filing the complaint, or other first paper is four dollars ($4), to be paid before complaint is filed, and to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, and all subsequent proceedings, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution on it, and other proceedings supplemental thereto.

Papers from another court

71666. The fee for filing the papers transmitted from another court on a transfer of a civil action or proceeding, and all proceedings on it, is four dollars ($4).

Certificate, transmitting transcript

71667. The fee for certificate and transmitting transcript and papers on appeal is one dollar ($1).

Copies of papers on docket

71668. The fee for copies of papers on docket, a folio, is ten cents ($0.10).

Change of venue

71669. When the venue in a case in the justice court is changed, the fee for making up and transmission of the transcript and papers is one dollar ($1), and a further sum equal to the fee for filing in the court to which the case is transferred. The judge shall transmit such filing fee, with the papers in the case, to the clerk or judge of the court to which the case is transferred.

Acknowledgment of instrument

71670. The fee for taking an acknowledgment of any instrument, for the first name, is fifty cents ($0.50); for each additional name, twenty-five cents ($0.25).

Depositions

71671. The fee for taking depositions, a folio, is fifteen cents ($0.15).

Commission to take testimony

71672. The fee for issuing a commission to take testimony is fifty cents ($0.50).

Posting of estrays

71673. The fee for all services connected with the posting of estrays is one dollar ($1).

Transcript of docket

71674. The fee for issuing a transcript of the docket is one dollar ($1).

Abstract of judgment

71675. The fee for issuing an abstract of judgment is one dollar ($1).

Certifying of paper, etc

71676. The fee for certifying a copy of any paper, record, or proceeding in his office is twenty-five cents ($0.25).

Abstract of judgment from another court

71677. The fee for receiving and filing an abstract of judgment rendered by a judge of another court and for subsequent services based on it is four dollars ($4).

Performing duties of coroner

71678. The same fees and mileage are allowed for performing the duties of coroner, when the coroner fails to act, as are allowed the coroner in all cases

Issuing writ, etc, not specified

71679. The fee for issuing each process, writ, order, or paper required by law to be issued not otherwise in this article provided for is twenty-five cents ($0.25).

Oath or affirmation not specified

71680. The fee for administering an oath or affirmation not otherwise in this article provided for is twenty-five cents ($0.25).

Certificate or affidavit not specified

71681. The fee for each certificate or affidavit not otherwise in this article provided for is twenty-five cents ($0.25).

Taking and approving bond, etc

71682. The fee for taking and approving a bond or undertaking, including the justification of sureties, is fifty cents ($0.50).

CHAPTER 8. MUNICIPAL COURTS

Article 1. General Provisions

Municipal court judges, etc

72000. The Legislature shall provide for the number and compensation of judges, officers, and attaches of each municipal court.

Annual increments dependent on minimum efficiency rating

72001. Annual increments provided by law in the salary of an officer or attache of a municipal court shall be dependent upon the employee maintaining the minimum efficiency rating designated by the appointing authority. If the efficiency rating falls below the minimum standard the appointing authority may suspend all or any part of the annual increments.

Termination of employment of deputy, etc

72002. The clerk or marshal of a municipal court may lay off and suspend a deputy or employee because of lack of work requiring the service of existing personnel of the office or department. The clerk or marshal may also require a deputy or employee to work temporarily in the office of clerk or marshal of another municipal court situated in the same county if a request for assistance has been made by such other court. Except as provided in Section 72053, the temporary assignment of a deputy or employee to the clerk's office or marshal's office of another municipal court shall not affect his compensation.

Traveling expenses

72003. In addition to salaries, the judges of the municipal court shall be allowed traveling expenses of seven cents ($0.07) a mile for each mile actually traveled when the business of the court requires their attendance in any department or at any session situated or held more than 12 miles from the principal office or the place designated by the supervisors for holding regular sessions of the court. The mileage allowance shall not be computed upon a greater distance than that between the principal office and such departments of the court, or that between the place for regular sessions and such special or extra session of the court.

Application of sections

72004. Sections 24350 to 24356, inclusive, and Sections 29350 and 29351 apply to officers of municipal courts and to the disposition of fees collected by such officers.

Article 2. Clerk

Powers of clerk

72050. With respect to proceedings in the municipal court the clerk of the court has all the powers conferred by law upon the clerk of the superior court with respect to proceedings in the superior court.

72051. The clerk of a municipal court shall keep among the records of the court such indexes as will insure ready reference to any action or proceeding filed in the court. There shall be separate indexes of plaintiffs and defendants in civil actions and of defendants in criminal actions and the name of each plaintiff and defendant shall be indexed and there shall appear opposite each name indexed the number of the action or proceeding and the name or names of the adverse litigant or litigants, if any, and the date of filing. This section does not apply to criminal actions filed by notice in lieu of a verified complaint pursuant to Section 739.1 of the Vehicle Code. Indices

72052. Upon order of the presiding judge of a municipal court, the clerk may destroy all records, papers, and exhibits filed or kept in the court in any civil action or special proceeding other than the register of actions, minutes, and permanent indexes after the lapse of 15 years from the date on which judgment in such case became final, or if it has not been prosecuted to judgment, after a like period from the date of the commencement of the action or proceeding. Destruction of records, etc

72053. In addition to salary, the clerk or deputy clerk of the municipal court shall be allowed his necessary traveling expenses not exceeding seven cents ($0.07) a mile for each mile traveled when the business of the court requires him to travel from the principal office of the clerk or from one department of the court to another department situated more than 12 miles from the point of departure, or from the principal office of the clerk to the place of special or extra session held more than 12 miles from the point of departure, and his reasonable and necessary incidental expenses incurred in the actual performance of his duties. Traveling expenses, etc

72054. Except as otherwise provided by law, the clerk of each municipal court shall charge the fees prescribed by this article for all services to be performed. Fees regulated

72055. The fee for filing the complaint, or other first paper is four dollars ($4), to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, including all affidavits, swearing witnesses and jury, and entry of judgment. Filing complaint

72056. The fee for filing the first paper on behalf of any party, other than plaintiff, is two dollars ($2), for each such party. First paper on behalf of party, other than plaintiff

72057. The fee for filing the papers transmitted from another court, on the transfer of a civil action or proceeding, and all proceedings before trial and all services, is four dollars ($4). Papers from another court

72058. When the venue in a case in a municipal court is changed, the fee for making up and transmission of transcript and papers is one dollar ($1), and a further sum equal to the fee for filing in the court to which the case is to be transferred. The clerk shall transmit such filing fee, with the papers in the case, to the clerk or judge of the court to which the case is transferred. Change of venue

Abstract of judgment

72059. The fee for receiving and filing an abstract of judgment rendered by a judge of another court and for subsequent services based on it is five dollars ($5).

Papers, etc., on appeal

72060. The fee for certificate and transmitting transcript and papers on appeal is one dollar ($1).

Transcript of register of actions

72061. The fee for issuing a transcript of the register of actions is one dollar ($1).

Abstract of judgment

72062. The fee for issuing an abstract of judgment is one dollar ($1).

Acknowledgment of instrument

72063. The fee for taking an acknowledgment of any instrument, for each signature is fifty cents ($0.50).

Administering oath

72064. The fee for administering an oath and certifying to it is fifty cents ($0 50).

Writ of execution, etc.

72065. The fee for issuing a writ of execution, a writ of restitution, a writ of possession, or any writ for the enforcement of any order or judgment is one dollar ($1).

Order of sale

72066. The fee for issuing an order of sale is two dollars ($2).

Exemplification of record, etc

72067. The fee for exemplification of record or other paper on file, besides the charges allowed for copying or comparing is two dollars ($2).

Motion for new trial

72068. The fee for filing any notice of intention to move for a new trial of any cause is three dollars ($3).

Preparing first copy of record, etc.

72069. The fee for preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, a folio, is twenty cents ($0.20).

Carbon copy

72070. The fee for preparing a carbon copy of any record, proceeding or paper on file in his office, made at the time of preparing a first copy of it, a folio, is ten cents ($0.10).

Certifying copy of paper, etc

72071. The fee for certifying a copy of any paper, record, or proceeding on file in his office is seventy-five cents ($0.75).

Comparison of papers

72072. The fee for comparing with the original on file in his office, the copy of any paper, record, or proceeding by another and presented for his certificate is four cents ($0.04) a folio.

Exemptions

72073 No fees shall be charged by the clerk for services rendered in any criminal action except for making or certifying to a copy of any filed paper, record, or proceeding when not otherwise specified by law. No charge shall be made for any service to the United States of America or any of its officers acting in his official capacity.

Article 3. Marshal

Powers of marshal

72110. With respect to proceedings in the municipal courts the marshal of the court has all the powers and duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Traveling expenses

72111. In addition to their salaries, the marshals, assistants, and deputies of municipal courts, except custodians, shall be allowed their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses. At the option of the board of supervisors, they may

be furnished with automobiles at public expense or allowed traveling expenses at the rate a mile fixed by the board of supervisors for the operation of automobiles actually used in performance of their duty on public business or paid for such other method of transportation as they may adopt.

Deputy marshals' compensation

72112. 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 funds deposited by the parties to the action in which such services are rendered.

Charging, collecting fees

72113. Except as otherwise provided by law, marshals of municipal courts shall charge and collect the fees provided in Article 7, Chapter 2, Part 3, and Chapter 2, Part 4, Division 2, Title 3, of the Government Code, except that for keeping property taken under legal process they shall collect the actual amount charged by any reputable warehouse or storage house for safely keeping and storing such property. If such property is placed in the care of a keeper, the fee for such keeper shall be five dollars ($5) a day.

Article 4. Additional Deputies

Additional deputies

72150. If an increase in business of any municipal court or other emergency requires a greater number of employees for the prompt and faithful discharge of the business of the court than the number expressly provided by law, or requires the performance of duties of positions in the lowest salary bracket where all such positions have been filled, with the approval of the judge or judges, the clerk or the marshal of the court, or both, may appoint as many additional deputies as will enable them to promptly and faithfully discharge the duties of their respective offices.

Selection, compensation, term

72151. The additional deputies shall be selected in the same manner as those for whom express provision is made, and they shall receive compensation from the same source and in the same amount as the lowest salary provided by law for the position of deputy clerk or deputy marshal of such court, respectively, but may hold office by virtue of such appointment not longer than 90 days after the adjournment of the next regular session of the Legislature No deputy so temporarily appointed shall be eligible for reappointment pursuant to this article

Article 5. Other Officers

Municipal court commissioners

72190. Within the jurisdiction of the court and under the direction of the judges, commissioners of municipal courts shall exercise all the powers and perform all of the duties authorized by law to be performed by commissioners of superior courts. They shall possess the same qualifications the law requires of a judge They shall be ex officio deputy clerks.

Jury commissioner.

72191. The jury commissioner of a municipal court shall exercise all the powers of the jury commissioner of a superior court insofar as they are applicable to municipal courts, and

in addition without extra compensation may be appointed and serve as a general commissioner of the court if he possesses the qualifications prescribed therefor.

Appointment, term, etc

72192. Whenever the appointment of a commissioner or jury commissioner is authorized by law, he shall be appointed by and hold office at the pleasure of a majority of the judges or the judge senior in service when there is an equal division of the judges. He shall be a member of any retirement system which includes municipal court attaches.

Powers of city prosecutor

72193. Whenever the charter of any city situated within a district for which a municipal court has been established creates the office of city prosecutor, or provides that a deputy city attorney shall act as city prosecutor, and charges such prosecutor with the duty, when authorized by law, of prosecuting misdemeanor offenses arising out of violations of state laws, he may exercise the following powers:

(a) He shall prosecute all such misdemeanors committed within the city which are within the jurisdiction of the municipal court of the district in which such city is located, and handle all appeals arising from it. He shall draw complaints for such misdemeanors, and shall prosecute all recognizances or bail bond forfeitures arising from or resulting from the commission of such offenses.

(b) Whenever any person applying for a writ of habeas corpus is held in custody by any peace officer of such city, charged with having committed within the city any criminal offense of which the municipal court of the district in which such city is located has jurisdiction, a copy of the application for such writ shall be served upon such city prosecutor at the time and in the manner provided by law for the service of writs of habeas corpus upon district attorneys. On behalf of the people, the prosecutor shall conduct all proceedings relating to such application. If the constitutionality of any law is questioned in any such habeas corpus proceeding, the city prosecutor shall immediately notify the city attorney who may take charge of the proceedings on behalf of the people, or become associated with the city prosecutor in the proceedings.

Phonographic reporters

72194. By order entered upon the minutes of the court, a majority of the judges of the municipal court may appoint as many competent phonographic reporters as the business of the court requires, to be known as official reporters of such court. The official reporters shall hold office during the pleasure of the judges of such court.

Article 6. Witnesses' and Jurors' Fees

Witness fees

72230. Except as otherwise provided by law, witnesses in municipal courts shall be paid the fees provided to be paid to witnesses in the superior court in the county or city and county in which the municipal court is situated

Juror fees

72231. Except as otherwise provided by law, jurors in municipal courts shall be paid the fees provided to be paid to trial

jurors in the superior court in the county or city and county in which any such municipal court is situated.

Criminal cases

72232. Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated.

Article 7. Departments

Departments

72270. The municipal court shall be divided into as many departments as there are judges of the court.

Presiding judge

72271. Annually the judges shall choose from their number a presiding judge. The presiding judge may be removed at any time and another chosen in his place by a majority vote of the judges of the court.

Assignment of judges

72272. The presiding judge shall assign the judges to their respective departments. Any judge may preside in any department in case of the absence or inability to act of the judge of such department.

Absence, etc., of presiding judge

72273. In the absence or inability to act of the presiding judge, the remaining judges may select one of their number to act as presiding judge during such absence or inability. His official acts during such time shall have the same effect as though done by the presiding judge.

Apportionment, transfer, of business

72274. Subject to the regulations of the Judicial Council, the presiding judge shall apportion the business of the court among the several departments and transfer cases from one department to another if necessary or convenient to facilitate the dispatch of the business of the court.

Article 8. When Open for Business

Court open day or night

72300. In a district or city and county in which the municipal court is composed of more than five judges, one department of the court may remain open and in session for the transaction of any business which may come before the department in the exercise of the criminal jurisdiction of the court or a judge of the court, at such hours of the day or night, or both, as the judges of the court prescribe. Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court shall be open for the transaction of judicial business on a holiday, other than a special holiday, does not apply to such municipal courts while exercising their jurisdiction pursuant to this section.

Attendance of clerk, bail, etc

Bail

72301. The clerk of the court or one or more deputy clerks shall be in attendance at the department at all hours of the day and night, including Sundays and holidays, and may fix and accept bail for the appearance before the court of any defendant charged in the court with an offense of which the court has jurisdiction. The amount of bail shall be pursuant to a schedule of bail in such cases previously fixed and approved by the judges of the court. If a warrant has been issued for the

arrest of the defendant, the bail shall be in the amount fixed in the warrant. The bail shall be cash or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code.

72302 If a defendant has been arrested for felony upon a warrant issued by a judge of such municipal court, the clerk may, under like conditions, accept bail in the amount fixed in the warrant.

Approval, release, etc.

72303. The authority to accept bail provided for in this article includes authority to approve it, to issue and sign an order for the release of the defendant, and to set a time and place for the appearance of the defendant before the appropriate department or judge of such court and give the defendant notice.

Commissioners Powers and duties

72304. Any commissioner of such court may exercise all of the powers and duties provided for in this article for the clerk relating to bail and the discharge of defendants under bail, and the authority to fix the amount of bail in cases of misdemeanor defined in the Vehicle Code and to endorse it upon the notice for the appearance of the defendant as provided by Section 739 of the Vehicle Code. Nothing in this article shall be construed to reduce or limit the powers or authority of such commissioners otherwise provided by law.

CHAPTER 9. MUNICIPAL COURT DISTRICTS IN LOS ANGELES COUNTY

Article 1. General Provisions

Salary payable monthly

72600. When an annual salary is prescribed in this chapter, the salary is payable in equal monthly installments.

Los Angeles County: Salaries

72601. Each judge of a municipal court established in a judicial district in Los Angeles County, in a district embracing a city in which a municipal court was established under the Municipal Court Act of 1925, shall receive an annual salary of fifteen thousand dollars ($15,000).

Each judge of any other municipal court in Los Angeles County shall receive an annual salary of twelve thousand five hundred dollars ($12,500) for the first two years following the establishment of the court and shall thereafter receive an annual salary of fifteen thousand dollars ($15,000).

Number of judges per district

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	1
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	2
Inglewood Municipal Court District	2
South Bay Municipal Court District	2
Compton Municipal Court District	3
Downey Municipal Court District	1

Los Angeles Municipal Court District	42
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	1
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	3
El Monte Municipal Court District	1
San Jose Municipal Court District	1
South Gate Municipal Court District	1

Inferior court judges may become municipal judges

72603. In any municipal court judicial district which includes a city and township which contains a population of 40,000 or less, which city might be constituted a separate municipal court judicial district pursuant to Article VI, Section 11 of the Constitution, there shall be a regular session of the court in such city, and the incumbent inferior court judges in such city and township shall, if qualified, become judges of the municipal court in the district including such city if the number of positions to be filled exceeds the number of municipal judges entitled to succeed to judgeships in such district.

Article 2. Marshal

Marshal, appointment, salary

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive twelve thousand dollars ($12,000) annually.

Designation

72641. The marshal shall be designated as Marshal of Municipal Courts, Los Angeles County.

Rights, powers

72642. He shall possess the rights and powers and perform the duties imposed upon marshals of municipal courts generally. With respect to proceedings in each of the municipal courts established in Los Angeles County, he shall exercise all powers and perform all duties imposed by law upon the sheriff with respect to proceedings in the superior court, except that each municipal court included in the county shall separately select its own bailiffs from among the deputies selected by him

Appointments, tenure, removal

72643. Appointments to the Office of Marshal of Municipal Courts, Los Angeles County, and the tenure and removal of the marshal shall be governed by the provisions of the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act, except that such appointments and removals shall be made by the majority vote of municipal court judges For the purpose of so voting, upon five days written notice, the judges of the Municipal Court of Los Angeles County shall meet at a time and place designated by the presiding judge of the municipal court located at the county seat.

Branch offices

72644. A branch office of the Marshal of Municipal Courts, Los Angeles County, shall be maintained in each municipal court district.

Appointments by marshal Salaries

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive eight hundred dollars ($800) monthly, the first appointment to the position to be from among the marshals and deputy marshals of superseded courts, and exempt from all provisions of law relative to the right of any person to succeed to such position.

(b) One chief deputy inspector who shall receive seven hundred seventy dollars ($770) monthly.

(c) One chief deputy marshal who shall receive seven hundred dollars ($700) monthly.

72646. The marshal shall appoint:

(a) Eight inspectors, each of whom shall receive six hundred sixty dollars ($660) monthly.

(b) Ten captains, each of whom shall receive five hundred sixteen dollars ($516) monthly.

(c) Ten lieutenants, each of whom shall receive four hundred forty dollars ($440) monthly.

(d) Twenty-six sergeants, each of whom shall receive four hundred ten dollars ($410) monthly.

(e) One hundred fifteen senior deputies, each of whom shall receive three hundred seventy-five dollars ($375) monthly.

(f) Thirty-five deputy marshals, each of whom shall receive three hundred fifty-five dollars ($355) monthly.

72647. The marshal shall appoint:

(a) Thirty deputy clerks, each of whom shall receive three hundred three dollars ($303) monthly.

(b) Eleven deputy bookkeepers, each of whom shall receive two hundred eighty-eight dollars ($288) monthly.

(c) Eighteen bailiff-clerks, each of whom shall receive two hundred seventy-three dollars ($273) monthly.

(d) One head clerk who shall receive three hundred seventy-five dollars ($375) monthly.

(e) Six senior clerks, each of whom shall receive three hundred nineteen dollars ($319) monthly.

(f) Thirty deputy clerks, each of whom shall receive two hundred forty-six dollars ($246) monthly.

(g) Three secretary-stenographers, each of whom shall receive three hundred three dollars ($303) monthly.

(h) Two hundred deputies who shall be custodians, at the fee allowed by law for keeping property.

Court bailiffs

72648. The judges of each municipal court established in a judicial district in Los Angeles County shall select, from among the deputies of the marshal's office, such person or persons to act as court bailiffs as may be reasonably necessary for the proper operation of such court.

Law governing appointment, etc

72649. Except where this article otherwise provides, the provisions of the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act, shall govern the appointment and assignment of officers, deputies, and attaches to

the offices and positions enumerated in this article, and shall define the rights, benefits, and privileges of the marshals, constables, deputies, and attaches of superseded courts, including the right of such persons to succeed to such offices and positions.

Succession to positions prescribed in this article

72650. The marshal and his deputies and attaches of each of the courts in Los Angeles County which were established under the Municipal Court Act of 1925 shall succeed to positions prescribed in this article which provide salaries at least equal to 10 percent more than those received as attaches of the superseded courts prior to September 22, 1951, insofar as such positions are available and if such position is not available, to the most nearly comparable position which is available. If the salary established by this article for such new position is less than 10 percent more than that received by the person appointed to it, prior to September 27, 1951, such salary shall be deemed increased for the period of the appointee's incumbency to a sum equal to 10 percent more than the salary received by such person in the position previously held prior to September 27, 1951.

Application of law regulating

72651. All provisions of law relating to marshals of municipal courts, or a marshal of a municipal court and the deputies and attaches of the court, not inconsistent with the provisions of this article, apply to the Marshal of Municipal Courts, Los Angeles County, and to the officers, deputies, and attaches of the marshal.

Quarters, supplies, etc

72652. The Board of Supervisors of Los Angeles County shall provide suitable quarters for the marshal, including heating, lighting, and janitorial services, and shall supply furniture, books, and supplies necessary for carrying out the duties prescribed by law for the marshal.

Article 3. City of Los Angeles

City of Los Angeles Municipal Court

72700. This article applies to the municipal court established in a judicial district embracing the City of Los Angeles

Referee

72701. There shall be one referee who shall be appointed by the judges of the court and who shall receive six hundred dollars ($600) monthly.

Clerk

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive eight hundred eighty dollars ($880) monthly.

Appointments by clerk

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief clerk, traffic department, and who shall receive six hundred dollars ($600) monthly.

(b) One deputy clerk who shall be chief clerk, civil department, and who shall receive six hundred dollars ($600) monthly.

(c) One deputy clerk who shall be chief clerk, criminal department, and who shall receive six hundred dollars ($600) monthly.

(d) One deputy clerk who shall be chief clerk, accounting department, and who shall receive six hundred dollars ($600) monthly.

(e) Six deputy clerks, each of whom shall receive five hundred ten dollars ($510) monthly.

(f) Twelve deputy clerks, each of whom shall receive four hundred sixty dollars ($460) monthly.

72704. The clerk may also appoint:

(a) Thirty-eight deputy clerks, each of whom shall receive four hundred thirty-five dollars ($435) monthly.

(b) Five deputy clerks, each of whom shall receive three hundred seventy-five dollars ($375) monthly.

(c) Twenty deputy clerks, each of whom shall receive three hundred thirty-five dollars ($335) monthly.

(d) Sixteen deputy clerks, each of whom shall receive three hundred ten dollars ($310) monthly.

(e) Forty deputy clerks, each of whom shall receive two hundred eighty-five dollars ($285) monthly.

(f) Twelve deputy clerks, each of whom shall receive two hundred sixty-five dollars ($265) monthly.

(g) One hundred twenty deputy clerks each of whom shall receive a minimum salary of two hundred dollars ($200) monthly, with annual increments of twelve dollars ($12), twelve dollars ($12), twelve dollars ($12), and fourteen dollars ($14) monthly to a maximum of two hundred fifty dollars ($250) monthly. Each deputy clerk employed prior to September 22, 1951, at a flat rate salary of two hundred twenty-five dollars ($225) or less shall succeed to a step rate of compensation not less than fifteen dollars ($15) nor more than twenty-five dollars ($25) higher than the flat rate salary he previously received.

Annual increments

72705. Annual increments shall accrue on the first day of the month following the anniversary date of employment.

Commissioners

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding four, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court. The commissioners shall hold office at the pleasure of the judges and shall receive six hundred sixty dollars ($660) a month. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attaches of the court.

Secretary and jury commissioner

72707. The judges of the municipal court shall appoint a secretary and jury commissioner, who shall hold office at the pleasure of the judges and receive a salary of eight hundred twenty-five dollars ($825) a month.

He shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts. In addition and without extra compensation, if he

possesses the qualifications prescribed by law, he may be appointed and serve as a general commissioner of the court as provided in Section 72706. He shall be a member of any retirement system which includes attaches of the court.

Traffic commissioner

72708. The judges of the municipal court shall appoint a traffic commissioner who shall hold office at the pleasure of the judges and receive a salary of seven hundred seventy dollars ($770) a month.

In addition if he possesses the qualifications prescribed by law for such office, he may be appointed and serve as a general commissioner of the court as provided in Section 72706 without extra compensation. He shall be a member of any retirement system which includes attaches of the court.

Official reporter

72709. Each official reporter in each municipal court appointed pursuant to Section 72194 shall be an attache of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a salary of six hundred twenty-five dollars ($625) a month, which shall be paid from the reporters' salary fund.

Additional reporters

72710 The judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive twenty-five dollars ($25) a day, which upon order of the court shall be paid from the reporters' salary fund.

Payment of fees

72711. All per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court, who shall deposit them in the reporters' salary fund.

Fees for transcription of testimony and proceedings in the court shall be paid by the parties to official reporters and official reporters pro tempore as otherwise provided by law, and in all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fee upon order of the court, shall be paid from the reporters' salary fund, except fees for transcription of testimony and proceedings in felony cases, which shall be paid from the county treasury.

Reporters' salary fund:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of fifteen thousand dollars ($15,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the city and the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund equal fifteen thousand dollars ($15,000), and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from the city's share shall be made from that portion of it distributable to the general fund of the city.

"Revenue"

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the city or the county, except law library fees.

Deficiency

72713. If at any time the reporters' salary fund is insufficient, upon order of the court, the amount of the deficiency shall be paid from the general fund of the county.

The county treasurer shall be the depositary, and the county auditor the disbursing agent, for the fund

Retirement

72714. Official reporters shall be members of any retirement system which includes attaches of the court For the purposes of the retirement system, the salary provided in this article for the reporters shall be deemed their entire compensation, except that where credit is claimed for service rendered prior to the establishment of the salary, the actual compensation paid to them by the county shall be the basis for contributions for the prior service, and continuous employment in the municipal court, or a court superseded by it, prior to membership in the retirement system, shall be considered as "prior service" upon the payment by the reporters of the sums due under the retirement system.

Application of sections

72715. Any law to the contrary notwithstanding, Sections 72702 to 72714, inclusive, shall apply to the municipal court established in a judicial district embracing the City of Los Angeles, and to all cities included in such judicial district.

Article 4. Pasadena

Pasadena Municipal Court

72750. This article applies to the municipal court established in a district embracing the City of Pasadena.

Salaries

72751. There shall be one clerk, to be appointed by the judges of the court, who shall receive six hundred sixty dollars ($660) monthly.

72752. The clerk may appoint:

(a) One chief deputy clerk, who shall receive five hundred dollars ($500) monthly.

(b) Three deputy clerks who shall be court clerks, and each of whom shall receive four hundred dollars ($400) monthly.

(c) Four deputy clerks, each of whom shall receive three hundred fifty dollars ($350) monthly.

(d) Eight deputy clerks, each of whom shall receive three hundred dollars ($300) monthly.

(e) Four deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) monthly.

Article 5. Long Beach

Long Beach Municipal Court

72790. This article applies to the municipal court established in a judicial district embracing the City of Long Beach.

72791. There shall be one clerk who shall be appointed by the judges of the court and who shall receive seven hundred seventy dollars ($770) monthly. Salaries

72792. The clerk may appoint:

(a) One deputy clerk who shall be chief clerk of the civil department and who shall receive five hundred dollars ($500) monthly.

(b) One deputy clerk who shall be chief clerk of the criminal department and who shall receive five hundred dollars ($500) monthly.

(c) One deputy clerk who shall be chief clerk of the traffic department and who shall receive five hundred dollars ($500) monthly.

(d) One deputy clerk who shall be jury secretary and who shall receive five hundred dollars ($500) monthly.

(e) One deputy clerk who shall be cashier-bookkeeper and who shall receive five hundred dollars ($500) monthly.

72793. The clerk may also appoint:

(a) Eight deputy clerks, each of whom shall receive three hundred sixty dollars ($360) monthly.

(b) One deputy clerk who shall receive three hundred forty dollars ($340) monthly.

(c) Two deputy clerks, each of whom shall receive three hundred twenty dollars ($320) monthly.

(d) Four deputy clerks who shall be stenographers and each of whom shall receive three hundred dollars ($300) monthly.

(e) Two deputy clerks who shall be typists and each of whom shall receive two hundred seventy-five dollars ($275) monthly.

72794. The clerk may also appoint one deputy clerk for each department of the court who shall receive four hundred twenty-five dollars ($425) monthly.

72795. The clerk of court and his deputies may fix and accept bail for the appearance before the court of any defendant charged or to be charged with a misdemeanor in such court. The amount fixed shall be in accordance with the bail in a like offense previously fixed and approved in a schedule of bail by the judges of the court. If a warrant has been issued for the arrest of the defendant the bail shall be in the amount fixed in the warrant. The bail shall be cash, or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code. Fixing, accepting bail

72796. In any case where a defendant has been arrested for a misdemeanor upon a warrant issued by any court of this State, or in any case where a defendant has been arrested for a felony upon a warrant issued by a judge of the municipal court, the clerk and his deputies may accept bail, in cash, or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, in the amount fixed in the warrant, for the appearance of the defendant in the court issuing the warrant. Amount fixed in warrant

72797. The authority to accept bail includes authority to approve it, to issue and sign an order for the release of the defendant, and to set a time and place for the appearance of the Authority included to approve, release, etc

defendant before the appropriate division or judge of the court and give the defendant notice thereof.

Article 6. Alhambra, Compton, Glendale, Inglewood, and Santa Monica

Alhambra, Compton, Glendale, Inglewood, and Santa Monica municipal courts Salaries

72840. This article applies to the municipal courts established in judicial districts embracing the Cities of Alhambra, Compton, Glendale, Inglewood, and Santa Monica.

72841. There shall be one clerk of each such court who shall be appointed by the judges of the court and who shall receive six hundred sixty dollars ($660) monthly.

72842. The clerk may appoint:

(a) One chief deputy clerk who shall receive five hundred dollars ($500) monthly.

(b) Three deputy clerks, each of whom shall receive four hundred dollars ($400) monthly.

(c) Four deputy clerks, each of whom shall receive three hundred fifty dollars ($350) monthly.

(d) Two deputy clerks who shall be stenographers, each of whom shall receive three hundred dollars ($300) monthly.

(e) Three deputy clerks who shall be typists, each of whom shall receive two hundred seventy-five dollars ($275) monthly.

Article 7. Beverly Hills, Burbank, and East Los Angeles

Beverly Hills, Burbank, and East Los Angeles municipal courts Salaries

72880. This article applies to the municipal courts in districts designated as Beverly Hills, Burbank, and East Los Angeles.

72881. There shall be one clerk of each such court who shall be appointed by the judges of the courts and who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

72882. The clerk may appoint:

(a) Two deputy clerks, each of whom shall receive a minimum salary 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.

(b) One deputy clerk who shall be bookkeeper and secretary and who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred nineteen dollars ($319) monthly.

(c) One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly, with annual increments of twelve dollars ($12), thirteen dollars ($13), thir-

teen dollars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly.

(d) Three deputy clerks, each of whom shall receive a minimum salary of two hundred dollars ($200) monthly, with annual increments of eleven dollars ($11), ten dollars ($10), twelve dollars ($12), and twelve dollars ($12) to a maximum of two hundred forty-six dollars ($246) monthly.

Article 8. Downey, El Monte, Los Cerritos, Santa Anita, San Jose, South Gate, and Whittier

Downey, El Monte, Los Cerritos, Santa Anita, San Jose, South Gate, and Whittier municipal courts Salaries

72920. This article applies to the municipal courts in districts designated as Downey, El Monte, Los Cerritos, Santa Anita, San Jose, South Gate, and Whittier.

72921. There shall be one clerk of each such court who shall be appointed by the judges of the courts and who shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly, with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly.

72922. The clerk may appoint:

(a) Two deputy clerks who shall be bookkeepers and secretaries and each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred nineteen dollars ($319) monthly.

(b) Two deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly, with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly.

(c) One deputy clerk, who shall receive a minimum salary of two hundred dollars ($200) monthly, with annual increments of eleven dollars ($11), ten dollars ($10), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly.

Article 9. San Antonio and South Bay

San Antonio and South Bay municipal courts Salaries

73020. This article applies to the municipal courts in districts designated as San Antonio and South Bay.

73021. There shall be one clerk of each such court who shall be appointed by the judges of the court and who shall receive a minimum salary of four hundred forty dollars ($440) monthly, with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

73022. The clerk may appoint:

(a) Two deputy clerks, each of whom shall receive a minimum salary 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.

(b) One deputy clerk who shall be bookkeeper and secretary and who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred nineteen dollars ($319) monthly.

(c) Two deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), eleven dollars ($11), and eleven dollars ($11) to a maximum of two hundred seventy-three dollars ($273) monthly.

(d) Three deputy clerks, each of whom shall receive a salary of two hundred dollars ($200) monthly, with annual increments of eleven dollars ($11), ten dollars ($10), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly.

CHAPTER 10. OTHER MUNICIPAL COURTS DISTRICTS

Article 1. General Provisions

Salary payable monthly

73300. When an annual salary is prescribed in this chapter, the salary is payable in equal monthly installments.

Credit for continuous prior service

73301. Persons who succeeded to positions in the municipal court upon its establishment shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and, in addition to the minimum rate, such persons shall receive the annual increments commensurate with such years of prior service up to the maximum rate set. This section applies to municipal courts provided for in Articles 2, 3, 5, 7, 12, 13, 15, 18, 22, 23, 27, 29, 31, and 32 of this chapter.

Article 2. Alameda

Alameda municipal court.

73340. This article applies to the municipal court established in a district embracing the City of Alameda.

Salaries

73341. There shall be two judges, each of whom shall receive thirteen thousand five hundred dollars ($13,500) annually.

73342. There shall be one clerk who shall receive four hundred fifty dollars ($450) monthly.

73343. The clerk may appoint:

(a) One chief deputy, criminal division, who shall receive a minimum salary of three hundred dollars ($300) monthly with annual increments of ten dollars ($10), to a maximum of three hundred fifty dollars ($350) monthly.

(b) One chief deputy, civil division, who shall receive a minimum salary of three hundred dollars ($300) monthly with

annual increments of ten dollars ($10), to a maximum of three hundred fifty dollars ($350) monthly.

(c) Two deputy clerks who shall receive a minimum salary of two hundred fifty dollars ($250) monthly with annual increments of ten dollars ($10), to a maximum of three hundred dollars ($300) monthly.

Sheriff and deputies

73344. The sheriff and his deputies shall act ex officio as marshal and deputy marshals.

Layoffs

73345. The clerk may lay off any employee because of lack of the type of work which such employee was appointed to perform.

Article 3. Alviso-San Jose

Alviso-San Jose municipal court

73390. This article applies to the municipal court established in a district embracing the Cities of Alviso and San Jose designated as the Alviso-San Jose District.

Salaries

73391. There shall be three judges, each of whom shall receive ten thousand dollars ($10,000) annually.

73392. There shall be one clerk who shall receive a minimum salary of three hundred sixty dollars ($360) monthly with annual increments of twenty-six dollars ($26), twenty-seven dollars ($27), twenty-seven dollars ($27), and twenty-seven dollars ($27) to a maximum of four hundred sixty-seven dollars ($467) monthly.

73393. The clerk may appoint:

(a) Three deputy clerks who shall be court clerks, each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of twenty-two dollars ($22), twenty-two dollars ($22), twenty-two dollars ($22), and twenty-two dollars ($22) to a maximum of three hundred fifty-three dollars ($353) monthly.

(b) Six deputy clerks who shall be typists, each of whom shall receive a minimum salary of one hundred ninety-five dollars ($195) monthly with annual increments of twenty-one dollars ($21), seventeen dollars ($17), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of two hundred sixty-seven dollars ($267) monthly.

73394. There shall be one marshal who shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of twenty-five dollars ($25), twenty-five dollars ($25), twenty-five dollars ($25), and twenty-five dollars ($25) to a maximum of four hundred twenty-five dollars ($425) monthly.

73395. The marshal may appoint:

(a) Four deputies, each of whom shall receive a minimum salary of two hundred fifty dollars ($250) monthly with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of three hundred thirty-five dollars ($335) monthly.

(b) Four deputies who shall be custodians at the fee allowed by law for keeping property.

Article 4. Bakersfield

Bakersfield municipal court

73430. This article applies to the municipal court established in a district embracing the City of Bakersfield.

Salaries

73431. There shall be three judges, each of whom shall receive eight thousand six hundred dollars ($8,600) annually.

73432. There shall be one presiding court clerk to be appointed by the judges of the court and act as secretary of the court, who shall receive three hundred forty dollars ($340) a month.

73433 The clerk may appoint:

(a) One senior clerk, who shall receive a salary of two hundred ninety dollars ($290) a month.

(b) Two intermediate clerks, each of whom shall receive two hundred fifty dollars ($250) a month.

(c) Five junior clerks, each of whom shall receive two hundred twenty dollars ($220) a month.

73434. There shall be one marshal, to be appointed by the judges of the court, who shall receive six thousand dollars ($6,000) annually.

73435. The marshal may appoint:

(a) One assistant marshal, who shall receive four hundred fifty dollars ($450) a month.

(b) Three deputy marshals, each of whom shall act as bailiffs when requested by the court, and each of whom shall receive three hundred fifty dollars ($350) a month.

(c) Two deputy marshals, each of whom shall receive three hundred fifty dollars ($350) a month.

(d) Ten deputies who shall be custodians at the fee allowed by law for keeping property.

Deputy marshals Compensation

73436. 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.

Cannot retain fees collected

73437. Neither the marshal nor any of his deputies who receive a salary shall be entitled to retain any portion of the fees collected pursuant to law.

Official reporters

73438. Official reporters in municipal courts shall be appointed pursuant to Section 72194 and shall be attaches of such court.

Pursuant to Section 72194 the judges of the court may appoint as many reporters as the business of the court requires, who shall be known as official reporters, and who shall serve without salary but shall receive the fees provided for in Sections 69947 to 69953, inclusive.

Fees payable to reporters

73439. Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters as 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 pursuant to Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Retirement system

73440. Official reporters of such court shall be members of any retirement system maintained by the county in which they are employed. For the purpose of such retirement system the salary provided for such reporters in this article shall be deemed their entire compensation.

Credit for prior service

73441. Persons employed in the service on September 22, 1951, shall receive credit for prior service in the justice's court, police court, or municipal court of the city and in the sheriff's department or constabulary of the county. Changes of title created in establishing the municipal court shall not detract from years of prior service.

Payment of fees

73442. All fees collected by officers or attaches except those which an attache is entitled to retain pursuant to this article shall be paid into the county treasury.

Article 5. Berkeley and Albany

Berkeley-Albany municipal court

73480. This article applies to the municipal court established in a district embracing the Cities of Berkeley and Albany.

Salaries

73481. There shall be two judges, each of whom shall receive thirteen thousand five hundred dollars ($13,500) annually.

73482. There shall be one clerk who shall receive six hundred dollars ($600) a month.

73483. The clerk may appoint:

(a) Two chief deputies, each of whom shall receive a minimum salary of three hundred dollars ($300) monthly with annual increments of ten dollars ($10) to a maximum of three hundred fifty dollars ($350) monthly.

(b) Five deputy clerks, each of whom shall receive a minimum salary of two hundred seventy-five dollars ($275) monthly with annual increments of ten dollars ($10) to a maximum of three hundred twenty-five dollars ($325) monthly.

(c) One deputy clerk, who shall receive a minimum salary of two hundred fifty dollars ($250) monthly with annual increments of ten dollars ($10) to a maximum of three hundred dollars ($300) monthly.

(d) Four deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-five dollars ($225) monthly with annual increments of ten dollars ($10) to a maximum of two hundred seventy-five dollars ($275) monthly.

Sheriff and deputies

73484. The sheriff and his deputies shall act ex officio as marshal and deputy marshals.

Article 6. Burlingame and San Mateo

Burlingame-San Mateo municipal court.

73520. This article applies to the municipal court established in a district embracing the Cities of Burlingame and San Mateo.

Salaries

73521. There shall be one judge, who shall receive ten thousand dollars ($10,000) annually.

73522. There shall be one clerk who shall receive three hundred forty-five dollars ($345) a month.

73523. The clerk may appoint:

(a) One deputy clerk who shall receive a salary of two hundred seventy-five dollars ($275) a month.

(b) One deputy clerk who shall receive a salary of two hundred forty-five dollars ($245) a month.

(c) One deputy clerk who shall receive a salary of two hundred ten dollars ($210) a month.

Ex officio marshal, etc.

73524. The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the court.

Article 7. Carmel and Monterey

Carmel-Monterey municipal court

73560. This article applies to the municipal court established in a district embracing the Cities of Carmel and Monterey.

Salaries

73561. There shall be one judge, who shall receive eight thousand dollars ($8,000) annually.

73562. There shall be one clerk, who shall receive a minimum salary of three hundred eight dollars ($308) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19) and nineteen dollars ($19) to a maximum of three hundred eighty dollars ($380) monthly.

73563. The clerk may appoint:

(a) One deputy who shall be principal clerk and who shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17) and nineteen dollars ($19) to a maximum of three hundred sixty-one dollars ($361) monthly.

(b) Two deputies who shall be senior account clerk and court clerk each of whom shall receive a minimum salary of two hundred fifty-one dollars ($251) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred eight dollars ($308) monthly.

(c) Two deputies who shall be intermediate clerks, each of whom shall receive a minimum salary of two hundred five dollars ($205) monthly with annual increments of ten dollars ($10), eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred fifty-one dollars ($251) monthly.

Ex officio marshal

73564. The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court.

Article 8. Daly City and South San Francisco

Daly City-South San Francisco municipal court

73600. This article applies to the municipal court established in a district embracing the Cities of Daly City and South San Francisco.

Salaries

73601. There shall be one judge, who shall receive ten thousand dollars ($10,000) annually.

73602. There shall be one clerk who shall receive three hundred forty-five dollars ($345) a month.

73603. The clerk may appoint:

(a) One deputy clerk who shall receive a salary of two hundred seventy-five dollars ($275) a month.

(b) One deputy clerk who shall receive a salary of two hundred forty-five dollars ($245) a month.

(c) One deputy clerk who shall receive a salary of two hundred ten dollars ($210) a month.

73604. The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the court. Ex officio marshal

Article 9. El Cajon Township

73640. This article applies to the municipal court established in a district embracing the Township of El Cajon. El Cajon municipal court

73641. There shall be one judge who shall receive nine thousand dollars ($9,000) annually. Salaries

73642. There shall be one clerk, who shall receive five thousand one hundred dollars ($5,100) annually. He may appoint two deputy clerks, each of whom shall receive three thousand three hundred sixty dollars ($3,360) annually.

73643 There shall be one marshal, who shall receive five thousand one hundred dollars ($5,100) annually. He may appoint one deputy marshal, who shall receive three thousand nine hundred sixty dollars ($3,960) annually.

73644. 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. Credit for prior service

73645. The municipal court shall hold sessions in the Cities of El Cajon and La Mesa. Place of sessions

Article 10. Fresno

73680. This article applies to the municipal court established in the Fresno Judicial District, County of Fresno. Fresno municipal court.

73681. There shall be four judges, each of whom shall receive eight thousand four hundred dollars ($8,400) annually. Salaries

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the secretary of the court. He shall receive a minimum salary of three hundred sixty dollars ($360) a 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.

73683. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of three hundred five dollars ($305) a 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.

(b) One senior clerk, who shall receive a minimum salary of two hundred fifty-eight dollars ($258) a 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.

(c) Four court clerks, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) a 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.

(d) One senior account clerk who shall receive a minimum salary of two hundred seventy-three dollars ($275) a month with 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.

(e) One small claims clerk who shall receive a minimum salary of two hundred forty-four dollars ($244) a 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.

(f) One traffic clerk who shall receive a minimum salary of two hundred thirty-one dollars ($231) a 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.

73684. The clerk may also appoint:

(a) One intermediate stenographer clerk who shall receive a minimum salary of two hundred eighteen dollars ($218) a 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.

(b) Six intermediate typist clerks, each of whom shall receive a minimum salary of two hundred six dollars ($206) a 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.

(c) Two junior typist clerks, each of whom shall receive a minimum salary of one hundred eighty-five dollars ($185) a 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.

Ex officio marshal, etc

73685. 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 the 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.

Promotions having overlapping salary range

73686. Any officer or attache of the court who receives a promotion to a position having an overlapping salary range shall be placed upon the lowest step of the new salary range which results in an increase in compensation.

Initial hiring rate

73687. The minimum salary for each position shall normally be the initial hiring rate for the position. If 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.

Vacations

73688. All officers and attaches of the court are 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. Not more than 15 working days' vacation shall be taken in any one calendar year. Persons who served as officers or attaches of the 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.

Sick leave

73689. After six months of continuous service each officer or attache is 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. If any person is absent due to service-connected disability, he shall receive his regular salary in lieu of workmen's compensation until all accumulated sick leave is exhausted.

Salary ordinance of County of Fresno applicable

73690. All matters affecting the employment of such officers and attaches provided for or determined by state law shall be governed and regulated by the then effective salary ordinance of the County of Fresno.

Article 11. Fullerton, Anaheim, La Habra, Brea, and Placentia

Fullerton, Anaheim, La Habra, and Placentia municipal court

73730. This article applies to the municipal court established in a district embracing the Cities of Fullerton, Anaheim, La Habra, Brea, and Placentia.

Salaries

73731. There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) annually.

73732. 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.

73733. The clerk may appoint:

(a) 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.

(b) 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.

(c) 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.

73734. There shall be one marshal who shall receive a monthly salary of four hundred dollars ($400).

73735. The marshal may appoint:

(a) 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.

(b) 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.

Salary range of appointees, successors

73736. 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 pro-

vided 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.

73737. The annual increments provided for in this article are subject to Section 72001. Annual increments

73738. All appointments provided for in this article are subject to the Municipal and Justice Court Act of 1949 or the provisions of law succeeding such act. Law applicable

Article 12. Marin County

73770. This article applies to the municipal court established in a district designated as the Central Judicial District of Marin County. Central Judicial District of Marin County

73771. There shall be two judges, each of whom shall receive ten thousand dollars ($10,000) annually. Salaries

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly, with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17), and nineteen dollars ($19), to a maximum of three hundred forty-one dollars ($341) monthly.

73773. The clerk may appoint:

(a) Two deputy clerks, each of whom shall receive a minimum salary of two hundred forty-four dollars ($244) monthly, with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred five dollars ($305) monthly.

(b) Two deputy clerks, each of whom shall receive a minimum salary of two hundred eighteen dollars ($218) monthly, with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred seventy-three dollars ($273) monthly.

73774. The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court. Ex officio marshal

73775. All fees collected by court officers and attaches or by the ex officio marshal and his deputy marshals shall be deposited in the county treasury. Deposit of fees collected

Article 13. Modesto

73820. This article applies to the municipal court established in a district embracing the City of Modesto. Modesto municipal court

73821. There shall be two judges, each of whom shall receive eight thousand dollars ($8,000) annually. Salaries

73822. There shall be one clerk who shall receive a minimum salary of two hundred ninety dollars ($290) monthly, with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-nine dollars ($349) monthly.

73823. The clerk may appoint:

(a) Two deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of two hundred forty-two dollars ($242) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred ninety dollars ($290) monthly.

(b) One deputy clerk who shall receive a minimum salary of two hundred two dollars ($202) monthly with annual increments of nine dollars ($9), ten dollars ($10), ten dollars ($10), and eleven dollars ($11), to a maximum of two hundred forty-two dollars ($242) monthly.

(c) Two deputy clerks, each of whom shall receive a minimum salary of one hundred ninety-three dollars ($193) monthly with annual increments of nine dollars ($9), nine dollars ($9), ten dollars ($10), and ten dollars ($10) to a maximum of two hundred thirty-one dollars ($231) monthly.

73824. There shall be one marshal who shall receive a salary of two hundred ninety dollars ($290) monthly, with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-nine dollars ($349) monthly.

73825. The marshal may appoint the following:

(a) One deputy marshal who shall be court bailiff, and who shall receive a minimum salary of two hundred forty-two dollars ($242) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred ninety dollars ($290) monthly.

(b) One deputy marshal who shall receive a minimum salary of one hundred ninety-three dollars ($193) monthly with annual increments of nine dollars ($9), nine dollars ($9), ten dollars ($10), and ten dollars ($10) to a maximum of two hundred thirty-one dollars ($231) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

Official reporters

73826. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attaches of the court and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in the court, shall receive a monthly salary of four hundred dollars ($400). The salary shall be a charge against the general fund of the county.

Additional reporters

73827. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive. In lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive fifteen dollars ($15) a day, which shall upon order of the court be a charge against the general fund of the county.

73828. As otherwise provided by law fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore. 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 Sections 69947 to 69953, inclusive, which shall be paid from the county treasury. Payment of fees

73829. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purpose of such retirement system the salary provided for in this article for such reporters shall be deemed their entire compensation. Retirement system

Article 14. North Sacramento

73870 This article applies to the municipal court established in a district embracing the City of North Sacramento. North Sacramento municipal court

73871. There shall be one judge who shall receive a salary of twelve thousand dollars ($12,000) annually. Salaries

73872. There shall be one clerk who shall be secretary of the court, who shall receive a salary of three hundred fifty dollars ($350) a month.

73873. The clerk may appoint:

(a) One deputy clerk, who shall receive a salary of two hundred seventy-five dollars ($275) a month.

(b) One deputy clerk, who shall receive a salary of two hundred fifty dollars ($250) a month.

73874 There shall be one marshal who shall receive a salary of three hundred twenty-five dollars ($325) a month.

Article 15. Oakland

73910. This article applies to the municipal court established in a district embracing the City of Oakland. Oakland municipal court

73911. There shall be seven judges, each of whom shall receive the same annual salary as is prescribed for municipal judges in the City and County of San Francisco. Salaries

73912. There shall be one chief clerk who shall receive six hundred fifty dollars ($650) monthly.

73913. The chief clerk may appoint for the criminal division:

(a) Four senior deputy clerks, each of whom shall receive four hundred fifty dollars ($450) monthly.

(b) Three deputy assistant clerks, each of whom shall receive three hundred fifty dollars ($350) monthly.

(c) Four deputy assistant clerks each of whom shall receive three hundred twenty-five dollars ($325) monthly.

(d) One legal stenographer who shall receive two hundred seventy-five dollars ($275) monthly.

(e) One typist-clerk who shall receive a minimum salary of two hundred six dollars ($206) monthly, with annual increments

of ten dollars ($10), ten dollars ($10), twelve dollars ($12), and twelve dollars ($12), to a maximum of two hundred fifty dollars ($250) monthly.

73914. The chief clerk may appoint for the office of bail and fines:

(a) One senior deputy clerk, who shall be cashier-bookkeeper and who shall receive four hundred fifty dollars ($450) monthly.

(b) Two deputy clerks each of whom shall receive two hundred seventy-five dollars ($275) monthly.

(c) Seven deputy clerks each of whom shall receive three hundred dollars ($300) monthly.

(d) Two deputy clerks each of whom shall receive two hundred fifty-five dollars ($255) monthly.

(e) Five typist-clerks and one file clerk, each of whom shall receive a minimum salary of two hundred six dollars ($206) monthly, with annual increments of ten dollars ($10), ten dollars ($10), twelve dollars ($12) and twelve dollars ($12) to a maximum of two hundred fifty dollars ($250) monthly.

73915. The chief clerk may appoint for the civil department:

(a) One senior deputy clerk, who shall receive five hundred dollars ($500) monthly.

(b) One senior deputy clerk, who shall receive four hundred fifty dollars ($450) monthly.

(c) Seven deputy clerks, each of whom shall receive three hundred fifty dollars ($350) monthly.

(d) One stenographer who shall receive a minimum salary of two hundred sixteen dollars ($216) monthly, with annual increments of ten dollars ($10), twelve dollars ($12), twelve dollars ($12) and fourteen dollars ($14) to a maximum of two hundred sixty-four dollars ($264) monthly.

(e) One junior stenographer, who shall receive a minimum salary of one hundred ninety-six dollars ($196) monthly, with annual increments of ten dollars ($10), ten dollars ($10), ten dollars ($10) and twelve dollars ($12) to a maximum of two hundred thirty-eight dollars ($238) monthly.

Ex officio marshal, etc

73916. The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court.

73917. The clerk may lay off any employee because of lack of the type of work which such employee was appointed to perform.

Article 16. Oceanside Township

Oceanside municipal court

73950. This article applies to the municipal court established in a district embracing the Township of Oceanside.

Salaries

73951. There shall be one judge who shall receive nine thousand dollars ($9,000) annually.

73952. There shall be one clerk, who shall receive five thousand one hundred dollars ($5,100) annually. He may appoint one deputy clerk, who shall receive three thousand three hundred sixty dollars ($3,360) annually.

73953. There shall be one marshal, who shall receive five thousand one hundred dollars ($5,100) annually. He may appoint one deputy marshal, who shall receive three thousand nine hundred sixty dollars ($3,960) annually.

Credit for prior service

73954. Persons who succeeded to positions in the municipal court on its establishment shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county.

Place of sessions

73955. The municipal court shall hold sessions in the City of Oceanside, only.

Article 17. Orange, Tustin, and Santa Ana

Orange-Tustin-Santa Ana municipal court

73990. This article applies to the municipal court established in a district embracing the Cities of Orange, Tustin, and Santa Ana.

Salaries

73991. There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) annually.

73992. 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.

73993. The clerk may appoint:

(a) 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.

(b) 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.

(c) 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.

73994. There shall be one marshal who shall receive a monthly salary of four hundred dollars ($400). The marshal may appoint:

(a) 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.

(b) 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.

Salary range of appointees, sucessors

73995. 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.

Annual increments

73996. The annual increments provided for in this article are subject to Section 72001.

Law applicable

73997. All appointments provided for in this article are subject to the provisions of the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act.

Article 18. Palo Alto-Mountain View

Palo Alto-Mountain View municipal court

74040. This article applies to the municipal court established in a district embracing the Cities of Palo Alto and Mountain View designated as the Palo Alto-Mountain View District.

Salaries

74041. There shall be one judge who shall receive a salary of ten thousand dollars ($10,000) annually.

74042. There shall be one clerk who shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of twenty-two dollars ($22), twenty-two dollars ($22), twenty-two dollars ($22), and twenty-two dollars ($22) to a maximum of three hundred fifty-three dollars ($353) monthly.

74043. The clerk may appoint:

(a) One deputy who shall be court clerk at a minimum salary of two hundred thirty-five dollars ($235) monthly with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of three hundred seventeen dollars ($317) monthly.

(b) Two deputy clerks who shall be typists at a minimum salary of one hundred ninety-five dollars ($195) monthly, with annual increments of twenty-one dollars ($21), seventeen dollars ($17), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of two hundred sixty-seven dollars ($267) monthly.

74044. There shall be one marshal who shall receive a minimum salary of two hundred seventy-five dollars ($275) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of three hundred sixty-five dollars ($365) monthly.

74045. The marshal may appoint:

(a) One deputy at a minimum salary of two hundred fifty dollars ($250) monthly with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-one dollars

($21), and twenty-two dollars ($22) to a maximum of three hundred thirty-five dollars ($335) monthly.

(b) Two deputies who shall be custodians at the fee allowed by law for keeping property.

Article 19. Richmond

Richmond municipal court

74080. This article applies to the municipal court established in the Judicial District of the City of Richmond.

Salaries

74081. There shall be three judges, each of whom shall receive eleven thousand five hundred dollars ($11,500) annually.

74082. 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) a month to a maximum salary of five hundred ninety dollars ($590) a month.

74083 The clerk shall appoint:

(a) One chief deputy, who shall receive a minimum salary of three hundred ninety-two dollars ($392) a month with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) a month to a maximum salary of four hundred seventy dollars ($470) a 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) a 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) a month.

(c) Six deputy clerks, each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) a month with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14) a month to a maximum of three hundred eleven dollars ($311) a month.

(d) Eight deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-five dollars ($225) a 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) a month.

74084 There shall be one marshal who shall receive a minimum salary of five hundred fifteen dollars ($515) a month with annual increments of twenty-four dollars ($24), twenty-five dollars ($25) and twenty-six dollars ($26) a month to a maximum of five hundred ninety dollars ($590) a month.

74085 The marshal shall appoint:

(a) Five deputy marshals, each of whom shall be paid a minimum salary of three hundred twenty-six dollars ($326) a 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) a 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) a month with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15) and sixteen dollars ($16) a month, to a maximum of three hundred fifty-seven dollars ($357) a 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) a 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) a month.

(d) Ten deputies who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Official reporters

74086. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attaches of the court. In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of five hundred dollars ($500) a month, which shall be a charge against the general fund of the county.

Additional reporters

74087. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive twenty dollars ($20) a day, which shall upon order of the court be a charge against the general fund of the county.

Fees for transcription, etc

74088. Fees for transcription of testimony and proceedings in the 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 Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Retirement

74089. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purposes of such retirement system, the salary provided for such reporters in this article shall be deemed their entire compensation.

Incumbents continue in positions Credit for prior service

74090. All incumbents, other than temporary or provisional employees, appointed in any of the aforesaid positions and having served therein more than six months as of November 11, 1952, shall be continued in their respective 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.

Vacancies

74091. When a position described in this article becomes vacant, the appointing official shall request the civil service commission of the county 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 the classification.

Civil service benefits

74092. All attaches appointed to positions created in municipal courts shall be entitled to the benefits of the civil service provisions of the county and such 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 the county.

Article 20. Riverside County

Riverside County municipal courts

74130. This article applies to the municipal courts established in districts in Riverside County.

Salaries

74131. There shall be two judges, each of whom shall receive nine thousand dollars ($9,000) annually.

74132. There shall be one clerk, who shall receive a minimum monthly salary of three hundred dollars ($300) with annual increments.

74133. The clerk may appoint:

(a) Two deputy clerks (court), each of whom shall receive a minimum salary of two hundred forty dollars ($240) monthly with annual increments.

(b) One deputy clerk (senior), who shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments.

(c) Two deputy clerks (senior typists), each of whom shall receive a minimum salary of two hundred dollars ($200) monthly with annual increments.

(d) Three deputy clerks (typists), each of whom shall receive a minimum salary of one hundred eighty dollars ($180) monthly with annual increments.

74134. There shall be one marshal, who shall receive an annual salary of four thousand two hundred dollars ($4,200).

74135. The marshal may appoint:

(a) Three deputy marshals, each of whom shall receive a minimum salary of two hundred thirty dollars ($230) monthly with annual increments.

(b) One clerk, who shall receive a minimum salary of one hundred eighty dollars ($180) monthly with annual increments.

(c) Six deputies (custodians) at the fee allowed by law for keeping property.

Annual increments

74136. Each of the court attaches named in this article whose salaries are specified on a monthly basis shall receive annual increments of ten dollars ($10) a 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.

Credit for prior service in superseded court

74137. Persons who succeeded to positions in the municipal court upon its establishment 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.

Article 21. Sacramento

Sacramento municipal court

74180. This article applies to the municipal court established in a district embracing the City of Sacramento.

Salaries

74181. There shall be three judges, each of whom shall receive twelve thousand dollars ($12,000) annually.

74182. There shall be one clerk, to be appointed by the judges of the court, who shall be secretary of the court and who shall receive five hundred dollars ($500) monthly.

74183. The clerk shall appoint:

(a) One chief deputy clerk, who shall receive three hundred eighty-five dollars ($385) monthly.

(b) One deputy clerk, who shall receive three hundred thirty-five dollars ($335) monthly.

(c) Two deputy clerks who shall be court clerks, each of whom shall receive three hundred ten dollars ($310) monthly.

(d) One deputy clerk, who shall be in charge of the traffic violations bureau of the court, and who shall receive three hundred ten dollars ($310) monthly.

(e) Two deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) monthly.

(f) One senior stenographer-clerk who shall receive two hundred seventy-five dollars ($275) monthly.

(g) One deputy clerk who shall be a stenographer and who shall receive two hundred seventy-five dollars ($275) monthly.

(h) Four clerks, each of whom shall receive two hundred forty dollars ($240) monthly.

74184. There shall be one marshal to be appointed by the judges of the court, who shall receive five hundred dollars ($500), a month.

74185. The marshal shall appoint:

(a) One assistant marshal, who shall receive three hundred thirty-five dollars ($335) monthly.

(b) One chief deputy marshal and one deputy marshal, each of whom shall receive three hundred ten dollars ($310) monthly.

(c) One deputy marshal who shall be stenographer-clerk, who shall receive two hundred seventy-five dollars ($275) monthly.

(d) One deputy marshal clerk, who shall receive two hundred forty dollars ($240) monthly.

Article 22. Salinas

74220. This article applies to the municipal court established in a district embracing the City of Salinas. Salinas municipal court

74221. There shall be one judge, who shall receive eight thousand dollars ($8,000) annually. Salaries

74222. There shall be one clerk, who shall receive a minimum salary of three hundred eight dollars ($308) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19) and nineteen dollars ($19) to a maximum of three hundred eighty dollars ($380), monthly.

74223. The clerk may appoint:

(a) One deputy who shall be principal clerk and who shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17) and nineteen dollars ($19) to a maximum of three hundred sixty-one dollars ($361) monthly.

(b) Two deputies who shall be senior account clerk and court clerk, each of whom shall receive a minimum salary of two hundred fifty-one dollars ($251) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred eight dollars ($308) monthly.

(c) Two deputies who shall be intermediate clerks, each of whom shall receive a minimum salary of two hundred five dollars ($205) monthly with annual increments of ten dollars ($10), eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred fifty-one dollars ($251) monthly.

74224. The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court. Ex officio marshal, etc

Article 23. San Bernardino

74260. This article applies to the municipal court established in a district embracing the City of San Bernardino. San Bernardino municipal court:

74261. There shall be three judges each of whom shall receive seven thousand two hundred dollars ($7,200) annually. Salaries

74262. 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.

74263. The clerk may appoint:

(a) 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.

(b) 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.

(c) 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).

(d) 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).

Same

74264. There shall be one marshal who shall receive a salary of three hundred dollars ($300) monthly.

74265. The marshal may appoint:

(a) 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).

(b) 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).

(c) Two deputies who shall be bailiffs and 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).

Article 24. San Carlos and Redwood City

74300. This article applies to the municipal court established in a district embracing the Cities of San Carlos and Redwood City. San Carlos-Redwood City municipal court

74301. There shall be two judges, each of whom shall receive ten thousand dollars ($10,000) annually. Salaries

74302. There shall be one clerk who shall receive three hundred forty-five dollars ($345) a month.

74303. The clerk may appoint:

(a) Two deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) monthly.

(b) One deputy clerk who shall receive two hundred forty-five dollars ($245) monthly.

(c) Two deputy clerks, each of whom shall receive two hundred ten dollars ($210) monthly.

74304. The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the court. Ex officio marshal

Article 25. San Diego

74340. This article applies to the municipal court established in a district embracing the City of San Diego. San Diego municipal court.

74341. There shall be six judges each of whom shall receive thirteen thousand five hundred dollars ($13,500) annually. Salaries

74342. There shall be one clerk who shall also serve as secretary, to be appointed by the judges of the court. He shall receive five hundred sixty dollars ($560) a month

74343. The clerk may appoint:

(a) One chief deputy clerk, who shall receive four hundred seventy-five dollars ($475) a month.

(b) One deputy clerk who shall be chief clerk of the civil division, and who shall receive four hundred dollars ($400) a month.

(c) One deputy clerk who shall be chief clerk of the traffic division, and who shall receive four hundred dollars ($400) a month.

(d) Eight deputy clerks, each of whom shall receive three hundred sixty-five dollars ($365) a month.

(e) Three deputy clerks, each of whom shall receive three hundred twenty-five dollars ($325) a month.

(f) Ten deputy clerks, each of whom shall receive three hundred dollars ($300) a month.

(g) Five deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) a month.

(h) Six deputy clerks, each of whom shall receive two hundred fifty dollars ($250) a month.

(i) Nine typists, each of whom shall receive two hundred twenty-five dollars ($225) a month.

74344. There shall be one marshal to be appointed by the judges of the court who shall receive five hundred sixty dollars ($560) a month.

74345. The marshal may appoint:

(a) One assistant marshal who shall receive four hundred seventy-five dollars ($475) a month.

(b) One chief deputy marshal, who shall receive four hundred dollars ($400) a month.

(c) Seven deputy marshals, Grade 1, each of whom shall receive three hundred sixty-five dollars ($365) a month.

(d) Seven deputy marshals, Grade 2, each of whom shall receive three hundred fifty dollars ($350) a month.

(e) Two stenographers, each of whom shall receive two hundred seventy-five dollars ($275) a month.

Court matron

74346. There shall be one court matron, who shall also serve as court probation officer, to be appointed by the judges of the court, who shall receive two hundred seventy-five dollars ($275) a month.

Appointing authority Defined

74347. For the purposes of this article, the appointing authority means the person having the power in the first instance to select the employee from an eligible list provided for that purpose.

Power to lay off, etc.

74348. The appointing authority may lay off and suspend an employee or employees because of lack of work requiring the service of the existing personnel of such office or department.

Automatic forfeiture of office, etc.

74349. Any appointive officer or employee who becomes a candidate for election by the people to any other public office or position shall automatically forfeit such office or employment.

Article 26. San Francisco

City and County of San Francisco municipal court

74500 This article applies to the municipal court in the City and County of San Francisco.

Salaries

74501. There shall be 12 judges, each of whom shall receive fifteen thousand dollars ($15,000) annually.

74502. The judges of the court shall appoint one clerk who shall also act as secretary to the judges and who shall receive a monthly salary of one thousand dollars ($1,000).

74503. The clerk shall appoint:

(a) One deputy clerk who shall be jury commissioner and who shall be paid six hundred seventy-five dollars ($675) monthly.

(b) One deputy clerk who shall be chief division clerk, traffic department, and who shall be paid six hundred dollars ($600) monthly.

(c) One deputy clerk who shall be chief division clerk, civil department, and who shall be paid six hundred dollars ($600) monthly.

(d) One deputy clerk who shall be chief division clerk, criminal department, and who shall be paid six hundred dollars ($600) monthly.

(e) One deputy clerk who shall be chief division clerk, accounting department, and who shall be paid six hundred dollars ($600) monthly.

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid five hundred twenty-five dollars ($525) monthly.

(b) Two deputy clerks who shall be paid four hundred seventy-five dollars ($475) monthly.

(c) One deputy clerk who shall be paid four hundred sixty dollars ($460) monthly, while assigned to the department of the presiding judge.

(d) One deputy clerk who shall be paid four hundred sixty dollars ($460) monthly, while assigned to the law and motion and small claims department.

(e) One deputy clerk who shall be paid four hundred sixty dollars ($460) monthly, while assigned to the master calendar department.

(f) Eighteen deputy clerks who shall be paid four hundred fifty dollars ($450) monthly.

(g) Ten deputy clerks who shall be paid four hundred dollars ($400) monthly.

(h) Sixteen deputy clerks who shall be paid three hundred fifty dollars ($350) monthly.

(i) Nineteen deputy clerks who shall be paid three hundred twenty-five dollars ($325) monthly.

(j) Nineteen deputy clerks who shall be paid three hundred dollars ($300) monthly.

(k) Two telephone operators who shall be paid two hundred seventy-five dollars ($275) monthly.

Night shift Defined, additional compensation

74505. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m. Attaches who are required to work a night shift shall be paid 6¼ percent more than the amount to which they are otherwise entitled.

Incumbents permanently appointed Effective date

74506. Any incumbent permanently appointed on September 19, 1947, to the position of clerk of the municipal court established pursuant to the Municipal Court Act of 1925 or any of the positions of such court for which the clerk made appointments pursuant to Section 6a of the Municipal Court Act of 1925 are deemed to have been appointed to the position in such court as of the date of their permanent appointment to the position.

Vacancies, appointments, etc

74507. Whenever a position described in Sections 74502 to 74504, inclusive, becomes vacant, the appointing officer 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. Lists of eligibles for such promotive positions, subsequent to those lists in existence on September 19, 1947, shall be composed only of persons holding the next lower rank or ranks of deputy clerks in such municipal courts. Monthly compensation shall determine that such deputy clerks are of the next lower rank or ranks. Temporary appointees shall receive the salary set up opposite the title of their respective positions. Temporary appointments to promotive positions shall be made from the next lower rank or ranks.

Civil service benefits

74508. All attaches appointed to positions in the court are entitled to the benefits of the civil service provisions of the charter of the City and County of San Francisco, and are entitled to and are subject to any retirement and health service provisions in the charter.

Leaves of absence

74509. Any attache of the municipal court shall be granted indefinite leave of absence by the appointing authority to accept other appointive position or positions in the municipal court. While on such indefinite leave and while employed in any other appointive position or positions in the municipal court, such attache shall continue to participate in the retirement and health service provisions of the charter in the same manner as heretofore provided, and there shall accrue to all such attaches all the benefits derived from seniority in the same manner and to the same extent as though such attaches were continuing in the position such attaches held prior to appointment to such other appointive position or positions in the municipal court.

Military leave of absence, etc

74510. Nothing in this article shall affect any rights or benefits which may have accrued to any deputy clerk of the municipal court by reason of military leave of absence or war effort leave.

Official reporters

74511. Official reporters in every municipal court, appointed pursuant to Section 72194 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 six hundred twenty-five dollars ($625) a month, which shall be a charge against the general fund of the city and county.

Additional reporters

74512. Pursuant to Section 72194, 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 Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive twenty dollars ($20) a day, which shall upon order of the court be a charge against the general fund of the city and county.

Fees to be deposited

74513. All per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court.

All fees shall be deposited in the treasury of the city and county to the credit of the general fund.

Payment of transcription fees

74514. 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 city and 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 Sections 69947 to 69953, inclusive, which shall be paid from the city and county treasury.

Retirement

74515. Official reporters of such court shall be members of any retirement system maintained by the city and county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

Exceptions

74516. Section 72194 does not apply to phonographic reporters of the criminal division of the municipal court of or the City and County of San Francisco who were acting in that capacity on September 19, 1947 in the municipal court established pursuant to the Municipal Court Act of 1925 and who were certified by the civil service commission of the city and county, or were appointed to the court superseded by such municipal court established pursuant to the Municipal Court Act of 1925. All such reporters shall be deemed the duly appointed, qualified, and acting phonographic reporters of the criminal division of the municipal court and shall be entitled to all the benefits of the civil service and retirement provisions of the charter of the city and county and of the rules of the civil service commission having jurisdiction respecting suspensions and dismissals of employees.

Phonographic reporters Term of office

74517. Each official phonographic reporter appointed pursuant to the provisions of Section 72494 or 74516 shall retain his appointment and status as such phonographic reporter pursuant to such sections, subject to the compulsory age of retirement under such retirement system.

Fees to be collected

74518. In the municipal court no further fee shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

Additional fees in civil action

74519. In any civil action or proceeding, in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of three dollars ($3) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly,

once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or complaint in intervention.

(b) Upon the filing of an answer.

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding.

Taxed as costs

74520. The fee required by Section 74519 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

Transmission and deposit of fees

74521. On or before the first day of each calendar month the clerk of the municipal court shall transmit to the city and county treasurer all money paid to him pursuant to Section 74519 during the preceding calendar month, or up to the day immediately preceding the day in which he transmits such money. The money shall be deposited in the general fund of the city and county.

Article 27. San Leandro-Hayward

San Leandro-Hayward Municipal Court District

74600. This article applies to the municipal court established in a municipal court district to be known as the San Leandro-Hayward Municipal Court District embracing all of Eden Township, County of Alameda, as it existed on May 20, 1951.

Salaries

74601. There shall be two judges, each of whom shall receive thirteen thousand five hundred dollars ($13,500) annually.

74602. There shall be one clerk who shall receive four hundred fifty dollars ($450) a month.

74603. The clerk may appoint:

(a) One chief deputy who shall receive four hundred fifty dollars ($450) monthly.

(b) Four deputy clerks each of whom shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly with annual increments of ten dollars ($10), to a maximum of three hundred fourteen dollars ($314) monthly.

Ex officio marshal

74604. The sheriff and his deputies shall act ex officio as marshal and deputy marshals of the court.

Layoffs by clerk

74605 The clerk may lay off any employee because of lack of the type of work which such employee was appointed to perform.

Article 28. Santa Barbara

Santa Barbara municipal court

74640. This article applies to the municipal court established in a district embracing the City of Santa Barbara.

Salaries

74641. There shall be one judge, who shall receive eight thousand seven hundred dollars ($8,700) annually.

74642. There shall be one clerk, who shall receive four thousand five hundred dollars ($4,500) annually.

74643. The clerk may appoint:

(a) One chief deputy clerk, who shall receive three thousand six hundred dollars ($3,600) annually.

(b) Two deputy clerks, each of whom shall receive two thousand seven hundred dollars ($2,700) annually.

74644. There shall be one marshal, who shall receive four thousand two hundred dollars ($4,200) annually. There shall be one deputy marshal, who shall receive three thousand three hundred dollars ($3,300) annually.

74645. All fees collected by court officers and attaches for official duties shall be deposited in the county treasury. Deposit of collected fees

74646. All officers and attaches of the court shall devote their full time to the performance of their duties. Full time devoted to duties

Article 29. Santa Cruz County

74690. This article applies to the municipal courts established in districts in Santa Cruz County. Santa Cruz County municipal courts

74691. There shall be two judges each of whom shall receive eight thousand dollars ($8,000) annually. Salaries

74692. There shall be one clerk who shall receive a minimum salary of two hundred forty dollars ($240) monthly with annual increments of twelve dollars ($12), twelve dollars ($12), twelve dollars ($12), and twelve dollars ($12) to a maximum of two hundred eighty-eight dollars ($288) monthly.

74693. The clerk may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of two hundred thirty dollars ($230) monthly with annual increments of twelve dollars ($12), fourteen dollars ($14), eleven dollars ($11), and nine dollars ($9) to a maximum of two hundred seventy-six dollars ($276) monthly.

(b) Two deputy clerks each of whom shall receive a minimum salary of one hundred eighty dollars ($180) monthly with annual increments of nine dollars ($9), nine dollars ($9), nine dollars ($9), and nine dollars ($9) to a maximum of two hundred sixteen dollars ($216) monthly.

74694. The sheriff of the county shall be ex officio marshal of the court and may appoint two of his deputies to act as ex officio deputy marshals of the court. Ex officio marshal

Article 30. South Bay Judicial District

74740. This article applies to the municipal court established in a district embracing the City of Chula Vista and all of National Township, excluding the Cities of National City and Coronado, designated as South Bay Judicial District. South Bay Judicial District

74741. There shall be one judge who shall receive nine thousand dollars ($9,000) annually. Salaries

74742. There shall be one clerk, who shall receive five thousand one hundred dollars ($5,100) annually. He may appoint one deputy clerk, who shall receive three thousand three hundred sixty dollars ($3,360) annually.

74743. There shall be one marshal, who shall receive five thousand one hundred dollars ($5,100) annually. He may appoint one deputy marshal, who shall receive three thousand nine hundred sixty dollars ($3,960) annually.

Credit for prior service

74744. Persons who succeeded to positions in the municipal court upon its establishment shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county.

Place of sessions

74745. The municipal court shall hold sessions in the City of Chula Vista, only.

Article 31. Stanislaus County

Stanislaus County municipal courts:

74780. This article applies to the municipal courts established in districts in Stanislaus County other than the district embracing the City of Modesto.

Salaries

74781. There shall be one judge who shall receive eight thousand dollars ($8,000) annually.

74782. There shall be one clerk, who shall receive a minimum salary of two hundred ninety dollars ($290) monthly with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred forty-nine dollars ($349) monthly.

74783. The clerk may appoint:

(a) One deputy clerk, who shall be a court clerk and who shall receive a minimum salary of two hundred forty-two dollars ($242) monthly, with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12) and thirteen dollars ($13) to a maximum of two hundred ninety dollars ($290) monthly.

(b) Two deputy clerks, who shall receive a minimum salary of two hundred two dollars ($202) monthly, with annual increments of nine dollars ($9), ten dollars ($10), ten dollars ($10) and eleven dollars ($11) to a maximum of two hundred forty-two dollars ($242) monthly.

74784. There shall be one marshal, who shall receive a minimum salary of two hundred ninety dollars ($290) monthly, with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred forty-nine dollars ($349) monthly.

74785. The marshal may appoint:

(a) One deputy marshal, who shall receive a minimum salary of two hundred forty-two dollars ($242) monthly, with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12) and thirteen dollars ($13) to a maximum of two hundred ninety dollars ($290) monthly.

(b) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

Article 32. Stockton

Stockton municipal court

74800. This article applies to the municipal court established in a district embracing the City of Stockton.

Salaries

74801. There shall be four judges, each of whom shall receive nine thousand six hundred dollars ($9,600) annually.

74802. There shall be one clerk who shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), and nineteen dollars ($19) to a maximum of three hundred fifty-six dollars ($356) monthly.

74803. The clerk may appoint:

(a) Four deputy clerks, each of whom shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(b) One deputy clerk who shall be senior cashier and who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(c) Two deputy clerks who shall be senior stenographers each of whom shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly.

(d) Three deputy clerks who shall be intermediate stenographers, each of whom shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly.

74804. There shall be one marshal who shall receive four hundred dollars ($400) a month.

74805. The marshal may appoint:

(a) Three deputy marshals, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred twenty dollars ($320) monthly.

(b) One deputy marshal who shall be senior stenographer and who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dolars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly.

(c) One deputy marshal who shall be intermediate stenographer and who shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly.

(d) Ten deputies who shall be custodians at the fee allowed by law for the keeping of property.

Article 33. Vallejo

Vallejo municipal court Salaries

74840. This article applies to the municipal court established in a district embracing the City of Vallejo.

74841. There shall be one judge who shall receive ten thousand dollars ($10,000) annually.

74842. There shall be one clerk who shall receive three thousand eight hundred forty dollars ($3,840) annually. He may appoint:

(a) Two deputy clerks, each of whom shall receive two hundred thirty-one dollars ($231) monthly.

(b) One deputy clerk who shall receive one hundred ninety-five dollars ($195) monthly.

74843. There shall be one marshal who shall receive three thousand eight hundred forty dollars ($3,840) annually.

74844. He may appoint:

(a) One deputy marshal who shall receive two hundred fifty-eight dollars ($258) monthly.

(b) Three deputies who shall be custodians, at the fee allowed by law for keeping property.

CHAPTER 11. JUDGES' RETIREMENT LAW

Article 1. General Provisions

Short title

75000. This chapter may be cited as the "Judges' Retirement Law."

Definitions

75001. Unless the context otherwise requires, the definitions and general provisions set forth in this article govern the construction of this chapter.

75002. "Judge" means a justice of the Supreme Court or of a district court of appeal, or a judge of a superior court or a municipal court. A judge or justice of any other court does not acquire status as a judge for the purposes of this chapter by reason of designation as a judge pro tempore of, or assignment by the Judicial Council or its chairman to, any of the said courts.

75003. "Salary" means the compensation received by a judge as the emolument of the office of judge, but does not include any additional compensation received by reason of designation as a judge pro tempore or assignment by the Judicial Council or its chairman.

75004. "Service" means the period of time a person has held office as a judge of any one or more of the courts of this State specified in Section 75002, computed in years and fractions of years.

Article 2. Retirement for Service

Age and service requirements

75025. Every judge who has the age and service qualifications specified in one of the following subdivisions, and who is not ineligible for retirement under Section 75026, shall be retired for service upon filing notice of retirement with the Sec-

retary of State, specifying the date upon which his retirement is to become effective:

(a) Age 70, with an aggregate of 10 years of service as a judge within the 15 years immediately preceding the effective date of retirement.

(b) Age 65, with an aggregate of 20 years of service as a judge within the 24 years immediately preceding the effective date of retirement.

(c) Age 70, with an aggregate of 20 years of service as a judge, the last five years of which has been served immediately preceding the effective date of retirement.

Upon the effective date of the retirement of any such judge, the judicial office from which he has retired shall become vacant, and a successor shall thereupon be appointed to fill the vacancy

Contributions

75026. No judge shall be eligible to retire under Section 75025 if he has not received a salary from which contributions for the Judges' Retirement Fund have been deducted for a period or periods aggregating at least 10 years unless, prior to the effective date of his retirement, he has paid into the Judges' Retirement Fund a sum equal to the contributions which would have been deducted from his salary during the period of 10 years immediately preceding the effective date of his retirement if he had received a salary subject to deduction of contributions for the Judges' Retirement Fund during all of that period, excluding any time within the 10-year period during which contributions for the Judges' Retirement Fund were actually deducted from his salary, any time in that period in respect to which he has made payment under Section 75029, and any time in that period which is included in the computation of his service under Section 75031. The sum payable shall be computed by applying the rate or rates of deduction applicable to judges' salaries during such time to the salary which the judge last received as the incumbent of a judicial office to which he was elected by the people.

Office expiring before qualifications satisfied

75027. Any judge whose term of office expires within 30 days before he has rendered the minimum service required for retirement at his age shall be deemed to have rendered such minimum service.

Any judge whose term of office expires within 30 days before he attains the age required for his retirement, shall be deemed to have attained such age at any time during the 30-day period immediately preceding his actual attainment of such age

Judge pro tempore etc., disregarded

75028. Except as provided in Sections 75080 and 75081, any designation as a judge pro tempore or any assignment by the Judicial Council or its chairman shall be disregarded for purposes of this chapter For the purposes of this chapter no person shall acquire status as a judge, nor shall any person's status as a judge be affected, by any such designation or assignment.

Computation of service

75029. In computing the number of years of service as a judge a person has for the purposes of this chapter, there shall be included such number of years as he has presided as a justice of a court which was superseded by a municipal court, if he

became a judge of such municipal court upon its creation, and if, prior to the effective date of his retirement, he has paid into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary and paid into that fund had he been a judge of the municipal court during the time he was a justice of the superseded court, computed by applying the rate or rates of deduction applicable to judges' salaries during such time to the rate of salary which he actually received during his first year of service as judge of such municipal court.

If he was serving as a justice of the peace at the time of his election or appointment as a justice of the Supreme Court or of a district court of appeal or judge of a superior court, the time so served as such justice of the peace shall be included in computing the number of years he has been a judge for purposes of retirement under Section 75025, if he has served at least 10 years as a justice of the Supreme Court or of a district court of appeal or judge of a superior court immediately preceding his retirement, and if he has paid into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary and paid into that fund had he been a judge during the time he was a justice of the peace, computed by applying the rate or rates of deduction applicable to judges' salaries during such time to the rate of salary he actually received during his first year of service as a judge.

Payment into Judges' Retirement Fund

75030. Every justice of the Supreme Court, or of the district court of appeal, or judge of a superior court, or of a municipal court, who has attained the age of 70 years and who has been a judge of such court or any court which was later superseded by a municipal court, or any combination of such courts, for a period of nine years in the aggregate, and who has served as a public officer of the State, any county, city and county, or city, including time served as judge, for 33 years of the 34 years preceding his retirement, may retire if he pays into the Judges' Retirement Fund a sum equal to the amount he would have paid had he been a justice or a judge of the court from which he is retiring for the period of 20 years next preceding his retirement, less contributions actually paid by him. Such contributions shall be computed by ascertaining the average annual amounts paid by the judge or justice for the period during which he actually made contributions to the Judges' Retirement Fund and applying this rate to the period of 20 years.

Expiration date

This section shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature.

Computation of time War service, etc

75031. In computing the number of years a person has been a judge for the purposes of retirement under Sections 75025 or 75060, there shall be included such time as he was absent from his position as judge by reason of service with the armed forces of the United States during a war involving the United States

as a belligerent or in any other national emergency, and for six months thereafter.

Retroactivity

This section shall be retroactively applied to extend its benefits to all judges who served in the military service in time of war, including the period September 16, 1940 to December 7, 1941, and who return or have returned to their positions upon the termination of their military service or within six months thereafter. The provisions of this section shall apply to any person who resigned judicial office to enter military service in time of national emergency declared by the President prior to the authorization by law of military leave, if he returned to judicial office within 90 days after his separation from military service.

Payment of allowance

75032. Every judge retiring pursuant to Section 75025, shall, during the remainder of his life, receive an allowance equal to one-half the salary which he last received as the incumbent of a judicial office to which he was elected by the people. The allowance shall be paid by the State at the times and in the manner provided for the payment of salaries of justices of the Supreme Court.

Article 3. Disability Retirement

Mental, physical disability retirement

75060. If the Governor finds that any judge is unable to discharge efficiently the duties of his office by reason of mental or physical disability that is, or is likely to be, of a permanent character, with the consent of all the members of the commission on qualifications provided for filling a vacancy in the office held by such judge by Section 26 of Article VI of the Constitution, or if it is sought to retire a judge who is a member of the commission, with the consent of the two remaining members, he may retire such judge from office with or without his consent. The retirement shall be effective when there is filed with the Secretary of State a written certificate of retirement signed by the Governor and by the members of the commission whose consent is required. Upon the filing of the certificate, a successor shall be appointed to fill the vacancy.

Payment, computation of allowance

75061. Every judge retired for disability shall receive a retirement allowance payable at the times and in the manner provided for the payment of salaries of justices of the Supreme Court. The retirement allowance shall be computed as follows:

(a) If eligible to retire under the provisions of Section 75025, he shall receive the allowance provided in Section 75032.

(b) Except as provided in Section 75080, if he is not eligible to retire under the provisions of Section 75025, he shall receive an allowance equal to one-half of the salary which he last received as the incumbent of a judicial office, which allowance shall be paid to him for five years from the date of his retirement, and thereafter for a period of time equal to the period, if any, by which his aggregate service as a judge exceeds five years.

Article 4. Employment of Retired Judges

Allowance, reduced, suspended, etc., by employment

75080. If, after retirement for disability, a retired judge engages in the practice of law or other gainful occupation while less than 70 years of age, the retirement allowance otherwise payable to him shall cease permanently, except as provided in this section. If, after retirement either under Section 75025 or Section 75060, a retired judge becomes entitled to any salary or other compensation as the incumbent of any public office, the retirement allowance otherwise payable to him shall, during the time he is entitled to receive such salary or other compensation, be reduced by the amount of such salary or compensation.

Judges as judicial officers of State Powers, etc

75081. Judges retired pursuant to this act, so long as they are entitled by its provisions to receive a retirement allowance, shall be judicial officers of the State, but shall not exercise any of the powers of a justice or judge except while under assignment to a court as provided in this section.

Any such retired judge may, with his own consent, be assigned by the Chairman of the Judicial Council to sit in a court of like jurisdiction as, or higher jurisdiction than, that court from which he was retired; and while so assigned shall have all the powers of a justice or judge thereof.

If assigned to sit in a court, he shall be paid while so sitting in addition to his retirement allowance the difference, if any, between his retirement allowance and the compensation of a judge of the court to which he is assigned.

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment. Such extra compensation and expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a district court of appeal the additional compensation and expenses are chargeable to the State.

(b) When the assignment is to a superior court the difference between the retirement allowance and the State's contribution to a superior court judge's salary, if the State's contribution is greater than the retirement allowance, is chargeable to the State, and any additional compensation and expenses, are chargeable to the county.

(c) When the assignment is to a municipal court, the additional compensation and expenses are chargeable to the county

Article 5 Judges' Retirement Fund

Judges' Retirement Fund

75100. There is in the State Treasury a fund known as the Judges' Retirement Fund. All retirement allowances payable by law to judges shall be paid out of this fund. The fund shall consist of all cash, securities, or other assets paid into it in accordance with this article.

Monthly transfer from State General Fund

75101 The State Controller shall at the end of each month ascertain the aggregate amount of the annual salaries of all positions established by law as justices of the Supreme Court

and of the district courts of appeal and judges of the superior courts and municipal courts, and out of the State General Fund he shall transfer monthly into the Judges' Retirement Fund a sum equal to 2½ percent of one-twelfth of the aggregate amount of such salaries.

Salary deductions

75102. The State Controller shall at the end of each month deduct 2½ percent from the monthly salary of each Justice of the Supreme Court and of the district courts of appeal and of the portion paid by the State of the monthly salary of each judge of the superior court and shall cause this amount to be paid into the Judges' Retirement Fund.

75103. The auditor of each county shall deduct 2½ percent from the portion paid by such county of the monthly salary of each judge of the superior court and municipal court, and cause this amount to be paid into the Judges' Retirement Fund.

Repayment, etc., of contributions

75104. Should any judge die, resign, or cease to be a judge prior to his retirement, the amount of his accumulated contribution shall be paid to his beneficiary nominated by written designation duly filed with the Secretary of State, or to him, as the case may be.

Investment of money

75105. The Governor, the State Treasurer, and the State Controller acting jointly may invest the money in the Judges' Retirement Fund in securities of the United States and the State, subject to the restriction that no investment shall be made except upon the approval of the Director of Finance.

Custodian of fund

75106 The State Treasurer is the custodian of the Judges' Retirement Fund. At the end of each month the State Controller shall ascertain the written notices of voluntary retirement and the written certificates of involuntary retirement which have been filed with the Secretary of State and cause warrants to be drawn upon the State Treasury in favor of each retired judge for the amount of the retirement allowance to which he is entitled.

Insufficiency of fund Legislative appropriation

75107 Whenever it appears to the State Controller that the money in the Judges' Retirement Fund is insufficient, or is likely to become insufficient, to pay all retirement allowances payable by law to retired judges and all other obligations of the fund which will become payable during the ensuing fiscal year, he shall report such condition of the fund to the Legislature at its next regular session, and upon receipt of such report it shall be the duty and obligation of the Legislature to appropriate, in the State Budget Act, or otherwise, such sums as may be necessary to make the Judges' Retirement Fund fully sufficient to pay all of the obligations of the fund which will become payable during the ensuing fiscal year.

Expenses of administration

75108 All expenses of administration of this article shall be a charge on the General Fund of the State

SEC 2 Section 61.4 of the Code of Civil Procedure is amended to read:

Court always open

61.4. The court shall always be open for the transaction of business.

SEC. 3. Section 269 of said code is amended to read:

Testimony etc., in superior court must be taken down

269. The official reporter of a superior court, or any of them, where there are two or more, must, at the request of either party, or of the court in a civil action or proceeding, and on the order of the court, the district attorney, or the attorney for the defendant in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas, and sentences of defendants in criminal cases, the arguments of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court.

Repeal

SEC. 4. Section 36 of said code is hereby repealed.

SEC. 5. Section 3020.5 is added to the Government Code, to read:

Senate as court of record

3020.5 The Senate when sitting as the court of impeachment is a court of record. The officers of the Senate are the officers of the court.

SEC. 6. Section 274c of the Code of Civil Procedure is amended to read:

Testimony, etc., in municipal court must be taken down

274c. Official reporters of a municipal court, or any one of them, must, at the request of either party or of the court in a civil proceeding, or on the order of the court in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, the arguments of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court. Government Code Sections 69942 to 69953, inclusive, and Section 273 of this code are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts.

SEC. 7. The following acts and sections are repealed: Repeals

GENERAL LAWS

Year	Ch.	Pg.
1871-1872	80	80
1895	107	98
1927	662	1119
1927	848	1728
1937	770	2204
1937	771	2206
1939	81	1042
1949	1510	2681
1949	1511	2694
1951	782	2273
1951	952	2561
1951	1107	2863
1951	1161	2959
1951	1162	2961
1951	1164	2966
1951	1165	2967
1951	1166	2968
1951	1205	3052
1951	1224	3070
1951	1225	3071
1951	1226	3071
1951	1227	3072
1951	1228	3074
1951	1355	3267
1951	1419	3374
1951	1420	3375
1951	1439	3398
1951	1451	3430
1951	1475	3453
1951	1476	3454
1951	1527	3504
1951	1550	3532
1951	1551	3532
1951	1552	3533
1951	1556	3550
1951	1557	3551
1951	1558	3552
1951	1564	3561
1951	1565	3563
1951	1566	3565
1951	1704	3916
1951	1705	3917
1951	1706	3918
1951	1735	4079
1951	1736	4080
1951	1752	4171
1951	1765	4193

CODE OF CIVIL PROCEDURE

33
36
39-39.6, incl.
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47
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59-59.8, incl.
60-60.4, incl.
61-61.3, incl.
61.5
61.6-61.8, incl.
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62.1
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66a
66a-1
66b
66c
66d, ad. 1947:64: 546
66d, ad. 1946 (1st Ex. Sess.):26:43
66e
66f
66g
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66m
66n
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73a
73b
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79.1-79.58, incl.	143	261a.7
85	144	261a.8
86	147	261bb
86a	148	261c
87	149	261d
88	149a	261e
98	150	261f
98.1-98.5, incl.	151	261g
98.6	152	261h
98.7	156	261j
105	157	261.5
105.5	158	262
105a	171	268
108	172	269a
108a	188	269b
109	189	270
113	189.5	271
113a	189.7	272
113b	204e	274
116	204g	274d
116a	204h	274e
116b	258	304.3
116c-116h, incl.	260	304.4
129	261	1885
130	261a	1885.1
142	261a.5	1885.2

CHAPTER 207

An act to codify Chapter 815 of the Statutes of 1933 by repealing said chapter and adding Part 3 to Division 3, Title 1, of the Corporations Code, relating to cooperative associations for the handling, marketing, and distribution of fish and fishery products.

In effect September 9, 1953

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Part 3 is added to Division 3, Title 1, of the Corporations Code, to read:

PART 3. FISH MARKETING

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Short title

13200. This division shall be known as "the Fish Marketing Act."

Purpose

13201. This division is enacted in order to promote, foster, and encourage the intelligent and orderly marketing of fish and fishery products through cooperation; to eliminate speculation and waste; to make the distribution of fish and fishery prod-

ucts between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of fish and fishery products.

13202. As used in this division: Definitions

(a) "Fishery products" includes fish, crustaceans, mollusks, and marine products for human consumption.

(b) "Member" includes members of associations without capital stock and holders of common stock in associations organized with shares of stock.

(c) "Association" means any corporation organized under this division.

13203 Associations shall be deemed "nonprofit," inasmuch as they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers of fishery products.

13204. The provisions of the General Corporation Law and all powers and rights thereunder, apply to associations, except where such provisions are in conflict with or inconsistent with the express provisions of this division. General Corporation Law

13205. No association is subject in any manner to the terms of the Corporate Securities Law and all associations may issue their membership certificates or stock or other securities as provided in this division without the necessity of any permit from the Commissioner of Corporations. Corporate Securities Law inapplicable

13206 An association shall be deemed not to be a conspiracy nor a combination in restraint of trade nor an illegal monopoly; nor an attempt to lessen competition or to fix prices arbitrarily or to create a combination or pool in violation of any law of this State; and the marketing contracts and agreements between the association and its members and any agreements authorized in this division shall be considered not to be illegal nor in restraint of trade nor contrary to the provisions of any statute enacted against pooling or combinations. Association legal, etc

13207. Any provisions of law which are in conflict with this division shall not be construed as applying to associations Any exemptions under any laws applying to fishery products in the possession or under the control of the individual producer shall apply similarly and completely to such fishery products delivered by its members, in the possession or under the control of the association. Conflicting provisions inapplicable

13208. Any two or more associations may be merged into one such constituent association or consolidated into a new association. Such merger or consolidation shall be made in the manner prescribed by the General Corporation Law for domestic corporations. Merger of associations

Chapter 2. Formation, Articles, and By-laws

Article 1. Formation

13220. Five or more persons, a majority of whom are residents of this State, engaged in the production of fishery prod- Persons eligible to form

ucts, may form an association, with or without shares of stock, under the provisions of this division.

Article 2. Articles of Incorporation

Articles of incorporation

13225. Articles of incorporation shall be signed, acknowledged, and filed in the manner prescribed by the General Corporation Law for domestic corporations.

Contents

13226. The articles of incorporation shall state:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The county where the principal office for the transaction of business of the corporation is to be located.

(d) The number of directors thereof, which shall be not less than three and may be any number in excess thereof; the term of office of such directors; and the names and residence of those who are to serve as directors for the first year, or until election and qualification of their successors.

Stock Number of shares, etc

13227. If the association is organized with shares of stock, the articles shall state the number of shares which may be issued and if the shares are to have a par value, the par value of each share, and the aggregate par value of all shares; and if the shares are to be without par value it shall be so stated.

Classification

13228. If the shares are to be classified, the articles shall contain a description of the classes of shares and a statement of the number of shares of each kind or class and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock.

No shares Voting power

13229. If the association is organized without shares of stock, the articles shall state whether the voting power and the property rights and interest of each member are equal or unequal; and if unequal the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may be and are determined and fixed; and shall also provide for the admission of new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule or rules.

Alteration, etc

13230. The articles of incorporation of any association may be altered or amended in the manner and for the purposes prescribed by the General Corporation Law for domestic corporations.

Article 3. By-laws

By-laws Adoption, revision, etc

13240. Each association shall within 30 days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this division. A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote, is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws. The power to repeal

and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked.

Prohibitions

13241. The by-laws shall prohibit the transfer of the common stock or membership certificates of the associations to persons not engaged in the production of the products handled by the association.

Voting procedure, etc

13242. The by-laws may provide:

(a) The number of members constituting a quorum.

(b) The right of members to vote by proxy or by mail or both, and the conditions, manner, form and effects of such votes; the right of members to cumulate their votes and the prohibition, if desired, of cumulative voting.

(c) The number of directors constituting a quorum.

(d) The qualifications, compensation and duties and term of office of directors and officers and the time of their election.

(e) Penalties for violations of the by-laws.

Fees, dividends, etc

13243. The by-laws may provide:

(a) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(b) The amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members which every member may be required to sign.

(c) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed 8 percent per annum and which dividends shall be in the nature of interest and shall not affect the nonprofit character of any association organized hereunder.

Transfer, purchase of stock, etc

13244 The by-laws may provide:

(a) The number and qualification of members of the association and the conditions precedent to membership or ownership of common stock.

(b) The method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock.

(c) The manner of assignment and transfer of the interest of members and of the shares of common stock.

(d) The conditions upon which and time when membership of any member shall cease.

(e) For the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member.

(f) The manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive ap-

praisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders.

Meetings

13245. The by-laws may provide for the time, place, and manner of calling and conducting meetings of the association.

Districts

13246. The by-laws may provide that the territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association.

Representatives, advisers, etc

13247. The by-laws may provide that the territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisers, who themselves have been elected by the members from the several territorial districts In such case, the by-laws shall specify the number of representatives or advisers to be elected by each district, the manner and method of reapportioning the representatives or advisers and of redistricting the territory covered by the association.

Primary elections

13248. The by-laws may provide that primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary elections in the various districts shall be final and shall be ratified at the annual meeting of the association.

Directors Nominations

13249. The by-laws may provide that one or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such directors shall represent primarily the interest of the general public in such associations. The directors so nominated need not be members of the association, but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

Terms of office

13250. The by-laws may provide that directors shall be elected for terms of from one to five years; provided, that at each annual election the same fraction of the total number of directors shall be elected as one year bears to the number of years of the term of office.

Executive committee

13251. The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

Chapter 3. Officers

Article 1. Generally

Board of directors

13275. The affairs of the association shall be managed by a board of not less than three directors, elected by the members from their own number.

13276. Meetings of the board of directors may be held at any place within or without the State fixed by a quorum thereof unless otherwise provided in the articles of incorporation or by-laws. Meetings

13277. When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, provided that when the by-laws provide for an election of directors by districts, the vacancy shall be filled by the election of a director from the district in which the vacancy occurs; or the board of directors may call a special meeting of the members in that district to fill the vacancy. Vacancy

13278. The directors shall elect from their number a president and one or more vice presidents. They shall also elect a secretary and a treasurer, who need not be directors or members of the association; and they may combine the two latter offices and unite both functions and titles in one person. The treasurer may be a bank or any depository and, as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as and where authorized by the board of directors. Any vacancy in any office, other than that of director, shall be filled by the board of directors. Officers.

13279. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee. Compensation

Article 2. Removal of Officers

13290. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by 5 percent of the members, requesting the removal of the officer or director in question. Petition for removal

13291. Except as provided in Section 13293, the removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director. Vote

13292. The director or officer, against whom such charges have been brought, shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity. Hearing on removal

13293 If the by-laws provide for election of directors by districts with primary elections in each district, the petition for removal of a director shall be signed by 20 percent of the members residing in the district from which he was elected. The board of directors shall call a special meeting of the members residing in that district to consider the removal of the director; and by a vote of the majority of the members of that district, the director in question shall be removed from office. Elected director: Removal

CHAPTER 4. MEMBERS

Membership qualifications

13300. (a) Under the terms and conditions prescribed in the by-laws, an association may admit as members, or issue common stock to, only such persons as are engaged in the production of fishery products to be handled by or through the association, including the lessees and tenants of boats and equipment used for the production of such fishery products and any lessors and landlords who receive as rent all or part of the fish produced by such leased equipment.

(b) If a member of a nonstock association is other than a natural person, such member may be represented by any individual duly authorized in writing.

(c) One association may become a member or stockholder of any other association.

Certificate

13301. When a member of an association established without shares of stock has paid his membership fee in full, he shall receive a certificate of membership.

Liability of members

13302. No member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory note given in payment thereof.

Meetings

13303. Meetings of members shall be held at the place as provided in the by-laws; and if no provision is made, in the city where the principal place of business is located at a place designated by the board of directors.

Payment upon expulsion

13304. In case of the expulsion of a member, and where the by-laws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

CHAPTER 5. STOCK

Stock Payment

13310. No association shall issue a certificate for stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote. An association, in its by-laws, may limit the amount of common stock which one member may own.

Common stock Voting power

13311. One class of stock shall always be known as common stock and voting power may be restricted to holders of common stock.

Prohibition against transfer

13312 There shall be printed upon each common stock certificate a statement that the transfer thereof to any person not engaged in the production of the products handled by the association is prohibited by the by-laws of the association.

No distinction between classes

13313. Except as to the matters and things stated in the articles of incorporation no distinction shall exist between classes of stock or the holders thereof.

13314. If an association issues nonpar value stock the issuance of such stock shall be governed by the terms of the General Corporation Law covering the issuance of nonpar value stock in domestic corporations. Nonpar value stock

13315 An association may, at any time, as specified in the by-laws, except when the debts of the association exceed 50 percent of its assets, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors and pay for it in cash within one year thereafter. Purchase by association

13316. Whenever an association, organized with preferred shares of stock, purchases the stock or any property, or any interest in any property of any person, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred stock to an amount which at par value would equal the fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued. Discharge of obligations

CHAPTER 6. POWERS

13325 An association may: Association powers General

Engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling, or utilization of any fishery products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or any activity in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment, or in the financing of any such activities.

13326. An association may borrow without limitation as to amount of corporate indebtedness or liability and may make advances to members. Borrowing

13327. An association may act as the agent or representative of any member or members in any of the two next preceding sections. Act as agent, etc.

13328. An association may establish reserves and invest the funds thereof in bonds or in such other property as may be provided in the by-laws. Establish reserves, etc

13329 An association may purchase or otherwise acquire, hold, own, and exercise all rights of ownership in, sell, transfer, pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing or packing or manufacturing or processing or preparing for market of any of the fishery products handled by the association. Purchases, acquisitions, etc., of stock and bonds

13330. An association may buy, hold and exercise all privileges or ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto. Ownership, etc., of property

Assessments

13331. An association may levy assessments in the manner and in the amount provided in its by-laws.

Acts necessary to accomplish purposes, etc

13332. An association may do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects enumerated in this article; or conducive to or expedient for the interest or benefit of the association; and contract accordingly; and in addition exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this act; and do any such thing anywhere.

Use of facilities

13333. An association may use or employ any of its facilities for any purpose; provided, the proceeds arising from such use and employment go to reduce the cost of operation for its members; but the fishery products of nonmembers shall not be dealt in to an amount greater in value than such as are handled by it for its members.

Interest, etc., in other corporations

13334. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing, or selling of the fishery products handled by the association, or the by-products thereof.

Warehousing corporations

If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities delivered by it, or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this State or the United States, its warehouse receipt delivered to the association on commodities of the association or its members, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Contracts, agreements, etc.

13335. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative or other corporation, association, or associations, formed in this or in any other State, for the cooperative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same personnel, methods, means, and agencies for carrying on and conducting their respective business.

CHAPTER 7. MARKETING CONTRACTS

13350. An association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over 15 years, all or any specified part of their fishery products or specified commodities exclusively to or through the association or any facilities to be created by the association. Marketing contracts

13351. If the members contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens, to the association upon delivery or at any other time expressly and definitely specified in the contract. Passage of title

13352 The contract may provide that the association may sell or resell the fishery products delivered by its members, with or without taking title thereto; and pay over to its members the resale price, after deducting all necessary selling, overhead, and other costs and expenses, including interest on preferred stock, not exceeding 8 percent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding 8 percent per annum upon common stock. Sale or resale by association

13353. The marketing contract may fix, as liquidated damages, specific sums to be paid by the member to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of fishery products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this State; and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties. Liquidated damages, bonds, etc.

13354. In the event of any such breach or threatened breach of such marketing contract by a member the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member. Injunctions

13355. In any action upon such marketing agreements, it shall be conclusively presumed that a landlord or lessor is able to control the delivery of fishery products produced by his equipment by tenants, or others, whose tenancy or possession or work on such equipment or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landlord or lessor, of such a marketing agreement; and in such actions, the foregoing remedies for nondelivery or breach shall lie and be enforceable against such landlord or lessor. Presumption of control of lessor, etc., over products of lessee, etc

Specific enforcement

13356. A contract entered into by a member of an association, providing for the delivery to such association of products produced or acquired by the member, may be specifically enforced by the association to secure the delivery to it of such fishery products, any provisions contained in the Civil Code to the contrary notwithstanding.

Repeal

SEC. 2. Chapter 815 of the Statutes of 1933 is repealed

CHAPTER 208

An act to amend Section 1204 of the Labor Code, relating to the employment of women and minors.

In effect September 9, 1953

[Approved by Governor April 13, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 1204 of the Labor Code is amended to read:

Condition precedent

1204. No order made by the commission under the provisions of Sections 1182 or 1184 of this chapter shall be effective unless and until compliance is had with the provisions of Section 1178 of this code.

CHAPTER 209

An act to amend Sections 380.64, 512, 661, 679, 737.10, 1092, and 1300.2 of the Agricultural Code, relating to the reports of the Director of Agriculture.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 380.64 of the Agricultural Code is amended to read:

Biennium reports

380.64. The director shall, within 30 days prior to the general session of the Legislature, submit to the Governor a full and true report of transactions under this article during the preceding biennium, including a complete statement of receipts and expenditures during the period.

SEC. 2. Section 512 of said code is amended to read:

512. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of all transactions under this chapter during the current biennium, including a complete statement of receipts and expenditures during the period.

SEC. 3. Section 661 of said code is amended to read:

License fee Business dealing in, etc., ice cream, etc.

661. (a) Every person, except hospitals and sanitariums, engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, imitation ice cream, ice milk, imitation ice milk, sherbet, and all similar frozen products shall pay a license fee of twenty-five dollars ($25) for the calendar year for which such license is issued, and for the renewal thereof shall pay twenty-five dollars ($25), plus one dollar ($1) for each

additional 10,000 gallons or fraction thereof over and above 50,000 gallons manufactured during the preceding year, ending the thirty-first day of December.

(b) The fee for a license for all other products for which a license is required is ten dollars ($10) for the calendar year for which such license is issued and for the renewal thereof is ten dollars ($10), plus one dollar ($1) for each 100,000 pounds, or part thereof, over and above the first 100,000 pounds of milk fat purchased or received during the preceding year, ending the thirty-first day of December. Other products

(c) The director at least once each month shall report to the State Controller the total amount of moneys collected under the provisions of paragraph (a) of this section and at the same time shall pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this division relating to ice cream, ice milk, and any similar frozen products. Report of moneys collected

(d) The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this law during the current biennium, including a complete statement of receipts and expenditures during the period. Biennium report

SEC. 4. Section 679 of said code is amended to read:

679. The director at least once each month, shall report to the State Controller the total amount of moneys collected for fees and at the same time shall pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this article. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of the transactions under this law during the preceding biennium, including a complete statement of expenditures Butter cutting and wrapping permits and butter distributors permits expire at the end of each calendar year. All permits may be renewed each successive year, if the plant for which a previous permit was issued and the business thereof shall have been conducted in accordance with the requirements of this article during the year next preceding that for which renewal is requested. Monthly report of money collected Expiration and renewal of butter permits

SEC. 5. Section 737.10 of said code is amended to read:

737.10. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of the transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during such period Biennium report

SEC. 6. Section 1092 of said code is amended to read:

1092. All moneys received under the provisions of Chapter 7a, Division 5 of this code shall be paid monthly into the State Treasury and placed to the credit of the Department of Agriculture Fund, and shall be expended only in carrying out the provisions of said Chapter 7a of Division 5 of this code. Monthly payments

Biennium report

The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under Chapter 7a of Division 5 of this code during the current biennium, including a statement of receipts and expenditures during that period.

SEC. 7. Section 1300 2 of said code is amended to read:

List of licensed processors

1300.2. The director may publish in pamphlet form as often as he thinks necessary a list of all licensed processors, together with all necessary rules and regulations concerning the enforcement of this chapter. Each licensed processor shall post his license, or a copy thereof, in his office or salesroom in plain view of the public. Each agent shall show his license upon the request of any interested person. All fees collected under the provisions of this act shall be paid into the State Treasury monthly and shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this chapter. The director shall, within 30 days prior to the general session of the Legislature submit to the Governor a full and true report of the transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period.

Posting, display, etc., of licenses

Biennium report

CHAPTER 210

An act to amend Section 58 8 of the Code of Civil Procedure and Section 68845 of the Government Code, relating to the office of the Clerk of the Supreme Court.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953]

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

SECTION 1. Section 58.8 of the Code of Civil Procedure is amended to read:

Office hours

58.8. The offices of the Clerk of the Supreme Court shall be open for the transaction of business continuously from 9 a.m. until 5 p.m., every day in the year, holidays and Saturdays excepted.

SEC. 2. Section 68845 of the Government Code is amended to read:

68845. The offices of the Clerk of the Supreme Court shall be open for the transaction of business continuously from 9 a.m. until 5 p.m., every day in the year, holidays and Saturdays excepted.

Effect Stats 1953, Ch 206

SEC. 3. Section 2 of this act becomes operative only if Title 8 of the Government Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said title takes effect, at which time Section 58.8 of the Code of Civil Procedure is repealed.

CHAPTER 211

An act to repeal Section 9 of the Construction and Employment Act (Chapter 20 of the Statutes of the First Extraordinary

Session of 1946) and Section 2103.1 of the Streets and Highways Code, relating to money made available for the support of the Controller, Director of Finance, and Department of Finance.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 9 of the Construction and Employment Act is hereby repealed. The unexpended balance of all money heretofore made available for expenditure by said section shall revert to the Postwar Unemployment and Construction Fund upon the effective date of this act.

Repeal

SEC. 2. Section 2103.1 of the Streets and Highways Code is hereby repealed.

Repeal

CHAPTER 212

An act to add Section 9.5 to the Municipal and Justice Court Act of 1949 and Section 71180.5 to the Government Code, relating to notice of the appointment, election, death, removal or resignation of judges of municipal and justice courts.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 9.5 is added to the Municipal and Justice Court Act of 1949, to read:

Sec. 9.5. Upon the appointment, election, death, removal or resignation of a judge of a municipal or justice court, the county clerk shall immediately give the State Controller written notice thereof.

Notice to State Controller of appointment, etc., of judge

SEC. 2. Section 71180.5 is added to the Government Code, to read:

71180.5. Upon the appointment, election, death, removal or resignation of a judge of a municipal or justice court, the county clerk shall immediately give the State Controller written notice thereof.

SEC. 3. Section 2 of this act becomes operative only if a new Title 8 is added to the Government Code by enactment of the Legislature at its 1953 Regular Session, and in such case at the same time as said Title 8 takes effect; at which time Section 9.5 of the Municipal and Justice Court Act of 1949 is repealed.

Effect Stats 1953, Ch 206

CHAPTER 213

An act to amend Section 430 of the Education Code, relating to the compensation of the county superintendents of schools.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 430 of the Education Code is amended to read:

San Joaquin County superintendent of schools Salary

430. The annual salary of the county superintendent of schools of a county of the thirtieth class is eight thousand four hundred dollars ($8,400), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 214

An act to amend Section 6413 of the Labor Code, relating to workmen's compensation

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 6413 of the Labor Code is amended to read:

Information not public

6413. No information furnished to the Division of Labor Statistics and Research by an employer or an insurer shall be open to public inspection or made public. No report of injury required to be filed by an employer or an insurer by this chapter shall be admissible as evidence in any adversary proceeding before the Industrial Accident Commission; provided, however, that the reports required of physicians or surgeons by Section 6407 of this code shall be admissible as evidence in such proceeding.

CHAPTER 215

An act to amend Section 661 of the Agricultural Code, relating to license fees for frozen dairy products and imitations thereof.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 661 of the Agricultural Code is amended to read:

License fees Producers, etc., of ice cream, etc

661. (a) Every person, except hospitals and sanitariums, engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, imitation ice cream, ice milk, imitation ice milk, sherbet, and all similar frozen products shall pay a license fee of thirty-five dollars ($35) for the calendar year for which such license is issued, and for the renewal thereof shall pay thirty-five dollars ($35), plus three dollars ($3) for each additional 10,000 gallons or fraction thereof over and above twenty thousand (20,000) gallons manufactured during the preceding year, ending the thirty-first day of December.

Other products

(b) The fee for a license for all other products for which a license is required is ten dollars ($10) for the calendar year for

which such license is issued and for the renewal thereof is ten dollars ($10), plus one dollar ($1) for each 100,000 pounds, or part thereof, over and above the first 100,000 pounds of milk fat purchased or received during the preceding year, ending the thirty-first day of December.

(c) The director at least once each month shall report to the State Controller the total amount of moneys collected under the provisions of paragraph (a) of this section and at the same time shall pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this division relating to ice cream, ice milk, and any similar frozen products. *Monthly report and payment*

(d) The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this law during the current biennium, including a complete statement of receipts and expenditures during the period. *Biennium report*

CHAPTER 216

An act to amend Section 260.2 of the Agricultural Code, relating to bovine brucellosis.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.] *In effect September 9, 1953*

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

SECTION 1. Section 260.2 of the Agricultural Code is amended to read:

260.2. Each calf vaccinated under this article shall have an official tattoo placed in the left ear by the veterinarian performing the service, showing the period within which the animal was vaccinated, or such other evidence of vaccination or identification as the department may by regulation specify. *Official tattoo*

CHAPTER 217

An act to add Section 14805.5 to the Financial Code, relating to credit unions.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.] *In effect September 9, 1953*

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

SECTION 1. Section 14805.5 is added to the Financial Code, to read:

14805.5. Every credit union may: *Credit union organizations*

(a) Become a member of any organization or organizations composed of credit unions, credit associations, or chambers of commerce.

(b) Pay such dues and assessments as may be levied upon it by any organization of which it is a member.

CHAPTER 218

An act to amend Section 1313 of, and to add Sections 1313.1 and 1356 to, the Code of Civil Procedure, relating to unclaimed property.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 1313 of the Code of Civil Procedure is amended to read:

Unclaimed Property Fund

1313. A fund is hereby created in the State Treasury, to be known as the Unclaimed Property Fund.

Except as provided in Section 1313.1, all money, except permanently escheated money, paid to the State or any officer or employee thereof for deposit in the State Treasury under the provisions of this title shall, on order of the Controller, be deposited in the Unclaimed Property Fund.

Except as provided in Section 1313.1, all property other than money, including the proceeds from the sale or other disposition thereof, except permanently escheated property, received by, or coming into the possession of, the State or any officer or employee thereof under the provisions of this title shall, on order of the Controller, be deposited in the State Treasury to be held in the Unclaimed Property Fund.

SEC. 2. Section 1313.1 is added to the Code of Civil Procedure, to read:

Deposit in School Land Fund

1313.1. Whenever, under any provision of this title, money or other property, or the proceeds from the sale or other disposition thereof, is payable into the State Treasury, and the total amount of such money or other property, or the proceeds from the sale or other disposition thereof, which is derived from an estate of a deceased person, or which is subject to claim by any individual owner, when added to the value of all money or other property held in the Unclaimed Property Fund in the name of such estate or subject to claim by such individual owner, does not exceed three dollars ($3), such money or other property shall, on order of the Controller, be deposited in the School Land Fund.

The amount of the service charge provided by Section 1356 shall be deducted by the Controller from any allowed and approved claim filed by the owner thereof to recover any money or other property deposited in the School Land Fund under the provisions of this section; and the amount so deducted shall be retained in the School Land Fund.

SEC. 3. Section 1356 is added to the Code of Civil Procedure, to read:

Controller's service charge

1356. There shall be deducted by the Controller from the amount of any allowed and approved claim filed by any claimant under the provisions of this chapter 1 percent of the total amount of such claim, but in no event less than three dollars ($3), as a service charge for the receipt, accounting for, and

management of the money or other property claimed, and for the processing of the claim filed to recover the same. On order of the Controller, the amount of such service charge shall be transferred from the Unclaimed Property Fund to the School Land Fund. The amount of any service charge transferred to the School Land Fund shall be subject to the provisions of Section 1335 with the same force and effect as if said amount had been paid to the claimant from whose claim such service charge was deducted.

Money in fund on effective date

SEC. 4. The provisions of Sections 1313, 1313.1, and 1356 of the Code of Civil Procedure, as amended or added by this act, shall apply to all money or other property held in the Unclaimed Property Fund on the effective date of this act, with the same force and effect as if said provisions had been in effect on the date such money or other property was deposited in, or transferred to, the Unclaimed Property Fund under the provisions of Title 10 of Part 3 of the Code of Civil Procedure.

CHAPTER 219

An act to add Section 1147.5 to the Probate Code and to add Section 1449 to the Code of Civil Procedure, relating to estates of deceased persons.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1147.5 is added to the Probate Code, to read:

Deposits by public administrator

1147.5. If money or other property is deposited by the public administrator, pursuant to the provisions of Section 1147, in any state bank, national banking association, savings bank or commercial bank, and if the deposits belong (1) to known decedents' estates on which letters testamentary or letters of administration have never been issued or (2) to known decedents' estates on which letters testamentary or letters of administration have been issued but no decree of distribution has been rendered, due to the absence of any parties interested in the estate or the failure of such parties diligently to protect their interests by taking reasonable steps for the purpose of securing a distribution of the estate, such money or other property remaining unclaimed at the expiration of five years from the date of such deposit, together with the increase and proceeds thereof, shall be presumed to be abandoned. The State Controller may, at any time following the expiration of said five-year period, file a petition in the superior court of the county in which the deposit is held, setting forth the fact that the money or other property has remained on deposit under such circumstances for such five-year period, and petitioning the court for an order declaring that such money or other property is presumptively abandoned and directing the holder of such money

Petition

or other property to pay such money or other property to the State Treasurer or State Controller as herein provided.

Deposit in State Treasury

Upon presentation of a certified copy of such court order, the holder of such money or other property shall forthwith transmit the same to the State Treasurer or State Controller for deposit in the State Treasury, as provided by Section 1310 of the Code of Civil Procedure. All money or other property deposited in the State Treasury under the provisions of this section shall be deemed to be deposited in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be transmitted, received, accounted for and disposed of as provided by Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 2. Section 1449 is added to the Code of Civil Procedure, to read:

Presumptively abandoned money, etc

1449. Notwithstanding any other provision of law, all presumptively abandoned money or other property paid or delivered to the Treasurer or Controller under the provisions of Section 1147.5 of the Probate Code shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

CHAPTER 220

An act to amend Section 1575 of the Code of Civil Procedure and Section 1056.5 of the Insurance Code, relating to the disposition of unclaimed moneys in connection with the dissolution or liquidation of insurance companies.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 1575 of the Code of Civil Procedure is amended to read:

Unclaimed money, etc.

1575. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Section 1056.5 of the Insurance Code shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

SEC. 2. Section 1056.5 of the Insurance Code is amended to read:

Persons entitled to payment cannot be located

1056.5. Whenever money or other property is payable to any claimant out of the assets of any person under the provisions of Sections 1021 to 1033, but such person cannot be located or for any other reason the payment of such money or other property to such person cannot be made, although assets are available for such payment, such money or other property shall be deposited in the State Treasury by the commissioner

under the provisions of Article 12 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Title 10. The commissioner may pay over the money or other property held by him to the persons respectively entitled thereto at any time prior to such deposit, upon being furnished satisfactory evidence of their right to the same.

Money in fund on effective date

SEC. 3. Notwithstanding any other provision of law, the provisions of Section 1575 of the Code of Civil Procedure and Section 1056.5 of the Insurance Code, as amended by this act, shall be applicable to all money or other property in the Unclaimed Property Fund on the effective date of this act which was deposited in said fund under the provisions of Article 12 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure prior to said effective date.

CHAPTER 221

An act to codify Chapter 1551 of the Statutes of 1949 by repealing said chapter and adding Chapter 5 to Division 7 of the Water Code, relating to the State Water Pollution Control Fund and the use thereof for making loans to municipalities and districts for sewerage and storm drainage facilities.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 5 is added to Division 7 of the Water Code, to read:

CHAPTER 5. THE STATE WATER POLLUTION CONTROL FUND

13100. As used in this chapter, unless otherwise apparent from the context:

"Fund" means the State Water Pollution Control Fund.

"Fund"

State Water Pollution Control Fund

13101. The State Water Pollution Control Fund is continued in existence. The fund shall continue to be available for expenditure by the state board in making loans to municipalities and districts for the construction of sewerage and storm drainage facilities, in accordance with the provisions of this chapter.

Applications for loans

13102. Applications for loans under this chapter shall include:

(a) A description of the proposed facilities.

(b) A statement of facts showing the necessity for the proposed facilities and showing that funds of the municipality or district are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the municipality or district.

(c) A proposed plan for repaying the loan.

Preliminary determinations

13103. Upon a determination by the state board, after consultation with the State Board of Public Health, that the sewerage facilities proposed by an applicant are necessary to the health or welfare of the inhabitants of the State, and that the proposed facilities meet the needs of the applicant, that funds of the municipality or district are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the municipality or district, and that the proposed plan for repayment is feasible, the state board, subject to approval by the Director of Finance, may loan to the applicant such sum as it determines necessary to construct the proposed facilities.

Loans secured by bonds

13104. Money loaned under the provisions of this chapter shall be secured by bonds of the borrowing municipality or district and shall be repaid, with interest at the rate of 2 percent, in annual installments of such amount as the state board determines to be feasible. The board, subject to approval by the Director of Finance, may defer any one or more of the repayment installments of a borrowing municipality or district.

Distribution of proceeds from loan repayment

13105. All money received in repayment of loans under this chapter shall be paid to the State Treasurer and credited to the fund for expenditure by the state board in making loans under the provisions of this chapter. Whenever, in the judgment of the state board, the amount of funds accumulated to the credit of the fund exceeds the reasonable requirements of the state board for making loans under the provisions of this chapter, the board shall determine the amount of such excess and certify same to the State Controller. Excess funds, so certified, shall revert to the General Fund in the State Treasury.

Repeal

SEC. 2 Chapter 1551 of the Statutes of 1949 is repealed.

CHAPTER 222

An act to amend Sections 400 and 415 of the Agricultural Code, relating to estrays or unclaimed animals or hides.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 400 of the Agricultural Code is amended to read:

Disposal of bovine animals, etc

400 Nothing in this article affects the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force; provided, however, that if no person appears and claims impounded bovine animals, horses, mules or burros within the period specified by said laws or regulations, the poundkeeper or other pound officer shall so notify the Director of Agriculture and upon receipt of such notice the director shall forthwith take possession of said animals and shall dispose of said bovine animals in accordance

with the provisions of Section 370.6 of the Agricultural Code, and shall dispose of horses, mules and burros in accordance with the provisions of Section 380.66 of the Agricultural Code.

SEC. 2. Section 415 of said code is amended to read.

415. In such districts as shall hereafter elect to accept the provisions of this article, none of the provisions of any law of this State relative to or affecting estrays, except Section 370.6 and Section 380.66 of this code, shall thereafter apply, but elsewhere in the State they shall remain in full force and effect.

Laws affecting estrays

CHAPTER 223

An act to amend Section 5500.5 of the Labor Code, relating to workmen's compensation for industrial disease.

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5500.5 of the Labor Code is amended to read:

5500.5. Where a claim for compensation benefits is made on account of an occupational disease which may have arisen out of more than one employment, the application shall state the names and addresses of all employers, the places of employment, and the approximate periods of employment where the employee was exposed to the hazards of the occupational disease. If the application is not so prepared or omits necessary and proper employers, any interested party, at or prior to the first hearing, may request the commission to join as defendant any necessary or proper party. If such request is made prior to the first hearing on the application, the commission shall forthwith join the employer as a party defendant and cause a copy of the application together with a notice of the time and place of hearing to be served upon such omitted employer; provided, such notice can be given within the time specified in this division. If such notice cannot be timely given or if the motion for joinder is made at the time of the first hearing, then the commission, panel, commissioner, or referee before whom the hearing is held, if it is found that the omitted employer named is a necessary or proper party, may order a joinder of such party and continue the hearing so that proper notice may be given to the party or parties so joined. Only one continuance shall be allowed for the purpose of joining additional parties. Subsequent to the first hearing the commission shall join as a party defendant any additional employer when it appears that such employer is a proper party, but the liability of such employer shall not be determined until supplemental proceedings are instituted.

Compensation benefits which arise out of more than one employment

In any case involving a claim of occupational disease contracted as a result of more than one employment, the employee making the claim, or his dependents, may elect to proceed

against any one or more of the employers named in the application. Where such an election is made, the employee must successfully prove his claim against any one of the employers named, and any award which the commission shall issue awarding compensation benefits shall be a joint and several award as against any two or more employers who may be held liable for compensation benefits. If, during the pendency of any claim wherein the employee or his dependents has made an election to proceed against one or more employers, it should appear that there is another proper party not yet joined, such additional party shall be joined as a defendant by the commission on the motion of any party in interest, but the liability of such employer shall not be determined until supplemental proceedings are instituted. Any employer joined as a defendant subsequent to the first hearing or subsequent to the election provided herein shall not be entitled to participate in any of the proceedings prior to the commission's final decision, nor to any continuance or further proceedings, but may be permitted to ascertain from the employee or his dependents such information as will enable the employer to determine the time, place, and duration of the alleged employment. On supplemental proceedings, however, the right of the employer to full and complete examination or cross-examination shall not be restricted.

Right of contribution

At any time within one year after the commission has made an award for compensation benefits in connection with an occupational disease, any employer held liable under such award may institute proceedings before the commission for the purpose of determining an apportionment of liability or right of contribution. Such a proceeding shall not diminish, restrict, or alter in any way the recovery previously allowed the employee or his dependents, but shall be limited to a determination of the respective contribution rights, interests or liabilities of all the employers joined in the proceeding, either initially or supplementally; provided, however, if the commission finds on supplemental proceedings for the purpose of determining an apportionment of liability or of a right of contribution that an employer previously held liable in fact has no liability, it may dismiss such employer and amend its original award in such manner as may be required.

Disability or death resulting from silicosis

In any proceeding before the commission for the purpose of determining an apportionment of liability or of a right of contribution where any employee incurred a disability or death resulting from silicosis in underground metal mining operations, the determination of the respective rights and interests of all of the employers joined in the proceedings either initially or supplementally shall be as follows:

(a) All employers whose underground metal mining operations resulted in a silicotic exposure during the period of the employee's employment in such operations shall be jointly and severally liable for the payment of compensation and of medical, surgical, legal and hospital expense which may be awarded

to the employee or his estate or dependents as the result of disability or death resulting from or aggravated by such exposure.

Reimbursement to employers

(b) If any of the employers who have not contributed to payment of the original award shall be without the commission's jurisdiction, or are dead, insolvent, or not subject to enforcement of awards against them for such contributions, either directly or through solvent insurance carriers, then upon such showing being made to the satisfaction of the commission, it shall make an award in favor of the employer or employers who have paid the original award, payable out of the fund used for payment of the additional compensation provided for in Section 4751 of this code, in an amount equal to the unreimbursed portions of the original payment or payments to which such employer or employers are found entitled as aforesaid. The use of the fund for such reimbursement in addition to the purposes specified in Section 4751 of this code is hereby authorized. The Legislature finds that as a matter of public policy and public welfare, sufferers from silicosis resulting from employment in underground metal mines should be compensated for such disability; that due to the peculiar nature of this disease it often does not manifest itself until long after periods of exposure have expired; that this frequently results in disability occurring in or after the last of a series of employments where such exposure existed; that underground metal mining is a class of industry having special character, both as to silicotic hazard and investment hazard; that the latter hazard has resulted in the past in closure of mines, disappearance or financial nonresponsibility of former owners or lessees of such mines and consequent inability of the commission to enforce against them compensation awards for proportionate liability in silicosis cases. It is inequitable that total ultimate liability should fall on one or more such employers who happen to be solvent or have solvent insurance carriers within the commission's jurisdiction or in reach of its process. Therefore the Legislature finds that, to the extent that the commission determines that proper contributions to a joint and several award for compensation for silicosis cannot be enforced against an employer who is or was engaged in underground metal mining for any of the above reasons, it shall direct that contribution shall be paid, either directly or by way of reimbursing any employer or employers who have paid said award, by payment from the fund provided for in Section 4751 of this code. Such payments or reimbursement for payments the Legislature finds will protect employees in the metal mining industry and will promote the general public welfare in mining communities.

Legislative findings

Presumption of silicotic exposure

(c) In making its determination in the supplemental proceeding for the purpose of determining an apportionment of liability or of a right of contribution of percentage liabilities of the various employers engaged in underground metal mining operations the commission shall consider as a rebuttable presumption that employment in underground work in any mine for a continuous period of more than three calendar months will

result in a silicotic exposure for the employee so employed during the period of employment if the underground metal mine was driven or sunk in rock having a composition which will result in dissemination of silica or silicotic dust particles when drilled, blasted or transported.

Any employer shall be entitled to rebut such presumption by showing to the satisfaction of the commission, or its referee, that the mining methods used by the employer in the employee's place of employment did not result during his employment in the creation of silica dust in sufficient amount or concentration to constitute a silicotic hazard. Dust counts, competently made, at such intervals and in such locations as meet the requirements of the Division of Industrial Safety for safe working conditions may be received as evidence of the amount and concentration of silica dust in the workings where such counts have been made at the time when they were made. The commission may from time to time, as its experience may indicate proper, promulgate orders as to the frequency with which such dust counts shall be taken in different types of workings in order to justify their acceptance as evidence of the existence or nonexistence of a silicotic hazard in the property where they have been taken.

CHAPTER 224

An act to amend Section 2733.5 of the Business and Professions Code, relating to the practice of nursing.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 2733.5 of the Business and Professions Code is amended to read:

Temporary permits to nurses

2733.5 Until October 2, 1955, the board upon written application and receipt of a registration fee of ten dollars ($10) may issue a temporary permit to any applicant who at the time of application is currently licensed or registered as a professional nurse under the laws of another state of the United States of America and such a temporary permit may also be issued to an applicant who at the time of application is currently authorized to legally practice as a professional nurse under the laws of the Dominion of Canada; provided, the applicant is either a citizen of the United States or has declared his intention to become a citizen of the United States.

The temporary permit issued under this section shall authorize the permittee to engage in the practice of nursing under this chapter until January 1, 1956.

CHAPTER 225

An act to amend Section 10460 of, and to add Sections 10103, 10463, and 10464 to, the Business and Professions Code, relating to real estate brokers' and salesmen's licenses.

[Approved by Governor April 15, 1953. Filed with Secretary of State April 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 10103 is added to the Business and Professions Code, to read:

Jurisdiction not lost by lapse, etc., of license

10103. The lapsing or suspension of a license by operation of law or by order or decision of the commissioner or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the commissioner of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee, or to render a decision suspending or revoking such license.

SEC. 2. Section 10460 of said code is amended to read:

Definitions

10460. As used in this article:

(a) "Military licensee" refers to any person who, while licensed under the Real Estate Law, or any of the statutes codified therein, entered the military service of the United States and notifies the commissioner of that fact within two months of such entry.

(b) "Persons in the military service of the United States" includes the following persons and no others: all members of the United States Army, the United States Navy, the Marine Corps, the Merchant Marine in time of war, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy.

(c) "Military service" signifies federal service after October 1, 1940, on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

SEC. 3. Section 10463 is added to said code, to read:

Reinstatement

10463. Any person who would qualify as a military licensee except for the failure to notify the commissioner of his entry into the military service of the United States may apply to the commissioner for reinstatement of his license upon resuming business or within one year following termination of military service, whichever is earlier. The commissioner shall reinstate such an applicant if he finds that the applicant would be entitled to the privileges of this article except for his failure to give the commissioner notice of his entry into the military service of the United States.

SEC. 4. Section 10464 is added to said code, to read:

Section 114 not applicable

10464. Section 114 of this code does not apply to this part.

CHAPTER 226

An act to add Section 22654 to the Water Code, relating to powers and purposes of irrigation districts

In effect September 9, 1953

[Approved by Governor April 15, 1953. Filed with Secretary of State April 15, 1953.]

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

SECTION 1. Section 22654 is added to the Water Code, to read as follows:

Commencement, etc. of actions re water, etc.

22654. A district may commence, maintain, intervene in, compromise, and assume the costs of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of benefit to any land.

CHAPTER 227

An act to add Section 22655 to the Water Code, relating to powers and purposes of irrigation districts.

In effect September 9, 1953

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

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

SECTION 1. Section 22655 is added to the Water Code, to read as follows:

Commencement, etc., of actions re water

22655. A district may commence, maintain, intervene in, defend, and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural or artificially created subterranean supply of waters which may:

(a) Be used or be useful for any purpose of the district.

(b) Be of common benefit to the land or its inhabitants.

(c) Endanger the inhabitants or the land.

CHAPTER 228

An act to amend Section 7302 of the Business and Professions Code, relating to the practice of cosmetology.

In effect September 9, 1953

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

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

SECTION 1. Section 7302 of the Business and Professions Code is amended to read:

Qualifications of board members

7302. No person is eligible for appointment as a member of the board:

(a) Who is not registered as a hairdresser and cosmetician or cosmetologist under this chapter.

(b) Who is connected, directly or indirectly, with any school of cosmetology.

(c) Who is not, at the time of appointment, either actually engaged in conducting a cosmetological establishment, or actually engaged in the practice of cosmetology or electrology.

(d) Who is not of good moral character.

(e) Who is connected, directly or indirectly, in the wholesale business of the manufacture, rental, sale or distribution of cosmetological appliances or supplies.

(f) Who has not had at least five years experience in the actual practice of cosmetology, or electrology, in this State immediately prior to the appointment.

(g) Who is not at least 25 years of age.

At all times the personnel of the board shall be so constituted that two graduates of the same school of cosmetology shall not be members at the same time.

CHAPTER 229

An act to amend Sections 7332 and 7351 of the Business and Professions Code, relating to the practice of cosmetology.

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7332 of the Business and Professions Code is amended to read:

Examination qualifications Hairdressers, cosmeticians, and cosmetologists

7332. The board shall admit to examination for a certificate of registration and license as a hairdresser and cosmetician or cosmetologist, at any meeting of the board duly held for the purpose of conducting examination, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the tenth grade in the public schools of this State or its equivalent.

(d) Who has had any one of the following:

(1) Training of at least 1,600 hours, extending over a school term of nine months in a school of cosmetology approved by the board.

(2) Practice of the occupations of a hairdresser and cosmetician, or cosmetologist, for a period of four years outside of this State.

(3) Service for at least two years as a licensed junior operator in a licensed cosmetological establishment in which all of the occupations of a hairdresser and cosmetician or cosmetologist are practiced.

SEC. 2. Section 7351 of said code is amended to read:

Manicurists

7351. The board shall admit to examination for a certificate of registration and license as a manicurist, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the tenth grade in the public schools of this State or its equivalent.

(d) Who has had any one of the following:

(1) Practical training of at least 350 hours extending over a period of not less than three months under the immediate supervision of a licensed instructor, in a licensed school in which the practice is taught.

(2) Practice in manicuring for a period of two years outside of this State.

CHAPTER 230

An act to amend Section 7420 of the Business and Professions Code, relating to the practice of cosmetology.

In effect September 9, 1953

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

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

SECTION 1. Section 7420 of the Business and Professions Code is amended to read:

Certificate of registration and license

7420. Upon application to the board in the form provided for the particular class of license applied for, accompanied by the required fee, a person registered as a hairdresser and cosmetician or cosmetologist, electrologist or manicurist under the laws of another state shall, if he satisfactorily passes an examination given by the board, be granted a certificate of registration and license to practice the occupation or occupations in this State not of greater scope than the occupation or occupations for which the applicant was previously registered in the other state, upon the following conditions:

(a) That he is not less than 18 years of age.

(b) That he is of good moral character and temperate habits.

(c) That the requirements for registration or licensing of hairdressers and cosmeticians or cosmetologists, electrologists and manicurists, in the particular state were, at the date of the previous registration or licensing, substantially equal to the requirements therefor then in force in this State.

Supplementary study and training

Any person who fails to qualify for admission to the examination because his study or training does not fulfill the requirements of subdivision (c) shall receive credit for the number of hours of study and training successfully completed in the particular state where he is registered, and he shall be qualified for the examination upon completion of such supplementary

study and training in a licensed school in this State as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in a licensed school in this State only.

CHAPTER 231

An act to amend Section 1224 of the Financial Code, relating to the issuance of letters of credit by commercial banks.

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1224 of the Financial Code is amended to read as follows:

Letters of credit, drafts, bills, etc.

1224. In addition to the limitations contained in Sections 1221 and 1222 a commercial bank may issue letters of credit and a commercial bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods, or which grow out of transactions involving the domestic shipment of goods; provided, shipping documents conveying or securing title are attached at the time of acceptance, or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. A commercial bank shall not accept such drafts or bills in the aggregate to an amount exceeding 50 percent of its paid-up capital and surplus or, when authorized by the superintendent, to an amount exceeding 100 percent of its paid-up capital and surplus nor accept such drafts or bills for any one person to an amount exceeding 10 percent of its paid-up capital and surplus, unless the bank is and remains secured by either attached documents or some other actual security growing out of the same transaction as the acceptance.

CHAPTER 232

An act adding Sections 30.5 and 30.6 to Chapter 47 of the Statutes of 1944 (Second Extra Session), relating to allocations to counties and cities for public works, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

In effect immediately

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

SECTION 1. Section 30.5 is added to the act cited in the title hereof, to read as follows:

Reassignment of allocation

SEC. 30.5. Notwithstanding the provisions of Sections 29 and 30 the board may upon its determination that it is in the best interest of the State authorize a local agency to reassign in

whole or in part an allocation which has been assigned to such local agency under the provisions of Section 29 and 30. All of the provisions applicable to or affecting an assignor or assignee in Sections 29 and 30 including the provisions specifying for whose benefit an assignment may be made shall be deemed applicable in like fashion to a reassignor and reassignee under this section.

SEC. 2. Section 30.6 is added to the act cited in the title, to read:

Transfer of allocation

SEC. 30.6. In the event that for a continuous two year period prior to the effective date of this section there has not existed any municipal governing body for any city in this State, any unapportioned allocation made to such city by Section 25 is hereby transferred to the county in which such city is located, which transferred allocation shall be in addition to any other allocation said county is entitled to under this chapter. For all purposes of this chapter said transferred allocation shall thenceforth be treated as if it were an original allocation to said county.

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:

Under Section 27 of the act cited in the title, local agencies have only until June 30, 1953, to make application for state aid, and only until June 30, 1954, to receive payment with respect to claims made pursuant to said act. It is therefore important, in order to expedite the filing of applications and the payment of claims under the act cited that this section go into effect immediately.

In addition it appears that there are some cities which have been without a governing body for several years, and that the allocation under Section 25 of this chapter to those cities could be utilized by the counties in which such cities are located. In order to enable said counties to utilize such allocations at the earliest possible moment it is necessary that this bill go into effect immediately.

CHAPTER 233

An act to amend Sections 14804 and 14805 of the Financial Code, relating to credit unions.

In effect September 9, 1953

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

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

SECTION 1. Section 14804 of the Financial Code is amended to read:

14804. Every credit union may purchase and hold, either individually or jointly with other credit unions or affiliated organizations, a lot and building to be employed principally for the transaction of business, and to provide for future expansion of the facilities of such organizations. Any excess space which is not occupied by the organizations purchasing and holding the building may be leased to the public. The lot and building may be sold, if all the holders of the property join in its sale.

Credit union acquiring lot and building for business, etc.

SEC. 2. Section 14805 of said code is amended to read:

14805. Every credit union may purchase and hold, either individually or jointly with other credit unions or affiliated organizations, furniture, fixtures, vaults, and other personal property necessary or proper to carry on its business, and to equip or furnish any space in any building purchased or held individually or jointly with other credit unions or affiliated organizations under authorization of Section 14804 of this code, whether occupied by the credit union or leased to the public. The personal property may be sold, if all the holders of the property join in its sale.

Acquisition of furniture, fixtures, etc., by credit unions

CHAPTER 234

An act to amend Section 14454 of the Financial Code, relating to credit unions.

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 14454 of the Financial Code is amended to read:

14454. No member of the supervisory committee shall receive any compensation for his services as a member of the supervisory committee, or serve as a member of the credit committee or board of directors of the credit union.

No compensation

CHAPTER 235

An act to add Section 15407 to the Financial Code, relating to credit unions.

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 15407 is added to the Financial Code, to read:

15407. The by-laws may provide that any action or specifically designated actions which may be taken at a meeting of the shareholders may be taken without a meeting by submitting the matter to all members who would be entitled to vote

By-laws: Voting, etc.

upon such action at a meeting, for their written vote. Any such by-law shall require that each matter submitted to the members for their written vote shall be certified by the president and secretary as to the manner by which the matter was submitted and the result of the voting.

An amendment to the by-laws of a credit union pursuant to this section shall not be adopted except upon the submission of the proposed amendment by mail to all members entitled to vote and the affirmative vote of a majority of such members, given in person either at a meeting or by written ballot. Any such amendment to the by-laws adopted by written vote shall be certified in the manner provided in this section.

No member shall vote by proxy upon any matter referred to all members for their written vote pursuant to this section, and the powers of any previously issued or outstanding valid proxy are suspended as to any such action.

CHAPTER 236

An act to amend Section 1357 of the Financial Code, relating to investments by savings banks.

In effect September 9, 1953

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.]

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

SECTION 1. Section 1357 of the Financial Code is amended to read as follows:

Public bonds

1357. An amount not exceeding in all 20 percent of the bank's savings deposits in (a) the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed by, the Dominion of Canada, the Territory of Hawaii, or any state of the United States other than California, for the payment of both principal and interest of which in United States' dollars the faith and credit of such dominion, territory, or state are pledged; (b) in limited obligations of any state of the United States, other than California, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and (c) in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California having the power without limit as to rate or amount to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided:

Conditions

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in the bonds or other obligations of any one state other than California, or in the bonds of the Dominion of Canada, or in

the bonds of the Territory of Hawaii, or in the bonds of any one public corporation located in a state other than California;

(b) In the case of bonds constituting general obligations of any such state, territory or dominion, such state, territory or dominion has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(c) In the case of such limited obligations of any such state, (1) that such state has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of its debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least one and one-half times the debt service requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

(d) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

CHAPTER 237

An act to amend Section 377 of the Streets and Highways Code, relating to state highway routes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1953. Filed with Secretary of State April 16, 1953.] In effect immediately

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

SECTION 1. Section 377 of the Streets and Highways Code is amended to read:

Route 77

377. Route 77 is from:

(a) East city limit of Los Angeles to Route 26 near El Monte.

(b) Pomona to San Diego via Temecula.

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 proposed routing of that portion of the Ramona Freeway (State Route 26) through the City of El Monte has made advisable a revision of the present legislative requirement that State Route 77 follow Valley Boulevard and Pomona Boulevard. In order to complete the arrangements which should precede the freeway construction, and thus permit orderly planning thereof, to the end that the present congested traffic conditions may be relieved at the earliest possible date, it is necessary that this act take effect immediately.

CHAPTER 238

An act to amend Section 28104 of the Government Code, relating to compensation for public service in counties of the fourth class.

In effect September 9, 1953

[Approved by Governor April 14, 1953. Filed with Secretary of State April 16, 1953.]

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

SECTION 1. Section 28104 of the Government Code is amended to read:

San Diego County-Compensation

28104. In a county of the fourth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office eight thousand four hundred dollars ($8,400) a year. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

The fees of the grand jurors and trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

CHAPTER 239

An act to add Section 16330 to the Business and Professions Code, relating to the licensing of itinerant merchants.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16330 is added to the Business and Professions Code, to read:

16330. The provisions of this chapter do not apply to persons who buy perishable farm products from farmers and who have contracted to sell such products directly to persons engaged in the manufacturing, canning, or processing of farm products.

Exemptions

CHAPTER 240

An act to amend Section 6508 of the Business and Professions Code, relating to barbers.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6508 of the Business and Professions Code is amended to read:

6508. The board may make rules and regulations and also prescribe sanitary requirements in aid or furtherance of the provisions of this chapter in addition to those prescribed by law.

Rules and regulations by board

The practice and procedure of the board with respect to adopting rules and regulations shall be in accordance with Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code.

Prior to establishing a minimum price schedule pursuant to Article 4.5 of this chapter, the board shall cause notice of the proposed action to be published in a newspaper of general circulation pursuant to Section 11423 of the Government Code.

Minimum price schedule Notice

CHAPTER 241

An act to amend Section 799 of the Agricultural Code, relating to standards for grapes.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 799 of the Agricultural Code is amended to read:

Grape classification

799. There are two standards for grapes. All grapes of the varieties in Group A shall be considered table grapes and all other varieties juice grapes. Grapes of all varieties must at least meet the standard for juice grapes.

GROUP A

(White)

Almeria	Khandahar
Aspiran Blanc	Lady Finger
Bicane	Malaga
Chasselas de Fontainebleau	Ohanez
Chasselas Napoleon	Olivette Blanche
Cornichon Blanc	Olivette de Vendemain
Crystal	Perlette
Dattier de Beyrouth	Persian 23
Delight	Pizzutello di Roma
Dizmar	Rish Baba
Golden Queen	Rosaki
Khalili	Thompson Seedless

(Red)

Angelino	Maraville de Malaga
Cardinal	Molinera Gorda
Catawba	Pink Thompson Seedless
Flame Tokay	Piment
Hunisa	Sultanina Rose
Chasselas Rose	Tokay
Emperor	Zabalkanski
Red Malaga	Zabalkanskoi
Rose de Falloux	

(Black)

Black Corinth	Black Monukka
Black Ferrara	Black Morocco
Black Hamburg	Muscat Albardiens
Blackrose	Black Prince
Black Zante	Muscat Hamburg
Bleu Grau	Olivette Noir
California Concord	Panariti
Concord	Pierce
Corinthe Noir	Pierce Isabella
Cornichon	Pizzutello Nero
Danugue	Prune de Cazouls
Drodelabi	Purple Damascus
Frankenthal	Rose of Peru
Fresno Beauty	Ribier
Gros Colman	Servian Blue
Gros Guillaume	Snow's Muscat Hamburg
Isabella	Zante Currant
Isabella Regia	

and other similar varieties.

CHAPTER 242

An act to amend Section 802 of the Agricultural Code, relating to the maturity of grapes.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 802 of the Agricultural Code is amended to read:

802. As applied to grapes:

"Mature"

(a) "Mature" means that each bunch of the varieties classified above in Group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Thompson Seedless and Malaga varieties of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of these varieties grown in the area south and east of San Gorgonio Pass. Thompson Seedless and Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent, except that Thompson Seedless grapes produced in the area north and west of San Gorgonio Pass shall be considered mature if they so test not less than 17 percent and if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dizmar, Ribier, Delight and Perlette shall so test not less than 16 percent and the varieties Olivette Blanche, Lady Finger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose and Cardinal varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

"Mature" in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than 18 percent and the variety Burger shall test not less than 16 percent.

Severability clause

In the event that the maturity standard fixed for the Thompson Seedless and Malaga varieties of grapes produced in that area northwest of the San Gorgonio Pass should be declared void, it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail.

Any varieties included in Group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, the maturity of varieties included in Group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container. The maturity of all varieties not included in Group A shall be determined by testing the juice from a composite sample representative of the average of the grapes in any container or bulk lot. The standards provided by this section are minimum standards, and the tolerance allowed by Sections 800 and 801 shall not be applied to any test made in accordance with this section for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety.

Definitions

(b) "Waterberry" means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

(c) "Redberry" means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

(d) "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

(e) "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries.

(f) "Severe freezing injury" means damage affecting the pulp of the berries.

CHAPTER 243

An act to amend Section 304.3 of the Code of Civil Procedure and Sections 68090 and 68091 of the Government Code, relating to fees of interpreters and translators.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

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

SECTION 1. Section 304.3 of the Code of Civil Procedure is amended to read:

Interpreters' and translators' fees

304.3. Interpreters' and translators' fees, except as otherwise provided by statute, are as follows:

(a) For each day's actual attendance at a coroner's inquest, when legally required to attend, ten dollars ($10) a day.

(b) For each day's actual attendance upon a court, when legally required to attend, such fee as may be allowed by the court, not to exceed twenty dollars ($20) a day.

The aggregate amount of fees that may be allowed to any one person under this section shall not exceed twenty dollars ($20) a day.

SEC. 2. Section 68090 of the Government Code is amended to read:

68090. Except as otherwise provided by law, interpreters' and translators' fees, for each day's actual attendance, when legally required to attend, are:

(a) For attendance at a coroner's inquest, ten dollars ($10) a day.

(b) For attendance upon a court, such fee as may be allowed by the court, not to exceed twenty dollars ($20) a day.

SEC. 3. Section 68091 of the Government Code is amended to read:

68091. The aggregate amount of fees that may be allowed to any one person pursuant to Section 68090 shall not exceed twenty dollars ($20) a day.

SEC. 4. Sections 2 and 3 of this act become operative only if the Title 8 of the Government Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said title takes effect, at which time Section 304.3 of the Code of Civil Procedure is repealed.

Effect Stats 1953, Ch. 206

CHAPTER 244

An act to amend Section 1829 of the Education Code, relating to the posting of the results of school district elections.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1829 of the Education Code is amended to read:

1829. The officers of election shall fill in the blanks provided on the envelopes and enclose and seal in the envelopes the roster of voters and tally list and ballots cast at the election. The officers of the election, before adjourning, shall post conspicuously on the outside of the polling place, a copy of the result of the votes cast at the polling place. The inspector of the election shall take possession of the returns and deliver them to the clerk of the school district who shall receipt him for the returns. On the seventh day after the election at the hour fixed in the notice of the election the governing board of the district shall meet and canvass the returns and issue certificates of election to the person or persons elected and file duplicates of the certificates with the county superintendent of schools having jurisdiction over the district.

Election procedure

Immediately following its canvass of the returns, the governing board of the district shall forward the returns to the county superintendent of schools having jurisdiction over the district, who shall keep the returns on file for one year.

CHAPTER 245

An act to amend Section 28120 of the Government Code, relating to compensation for services performed for counties of the twentieth class.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

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

SECTION 1. Section 28120 of the Government Code is amended to read:

Sonoma County salaries

28120. In a county of the twentieth class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, 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.

(c) Each supervisor, for all services required of him by law or by virtue of his office, five thousand dollars ($5,000) per annum and seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror, when selected to serve, in the superior court, in civil and criminal cases, three dollars ($3) per day.

For each day's attendance when not selected to serve, two dollars ($2), but in no case more than one per diem on any one calendar day. For each mile actually traveled in attending court as a juror in going only, fifteen cents ($0.15).

For each juror sworn to try the cause in a justice court, in civil cases, one dollar and fifty cents ($1.50) a day; in criminal cases, three dollars ($3) a day. A juror excused at his own request is not entitled to a per diem fee, but shall be entitled to mileage, ten cents ($0.10), for each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in a justice court, for which no allowance shall be made.

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings,

committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

The compensation provided for by this section shall be paid to incumbent officers. Incumbents

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CHAPTER 246

An act to add Sections 18004 and 18672.1 to, and to amend Section 18671 of, the Financial Code, relating to industrial loan companies.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 18004 is added to the Financial Code, to read:

18004. "Borrower" means the person receiving the proceeds or benefits of a loan. "Borrower"

SEC. 2. Section 18671 of said code is amended to read:

18671. No industrial loan company shall induce or permit any borrower to split up or divide any loan and thereby contract for or receive a higher rate of charge than would otherwise be permitted by this article. Division, etc., of loan prohibited

SEC. 3. Section 18672.1 is added to said code, to read:

18672.1. Nothing in this division shall prevent an industrial loan company from transacting loan contracts with different borrowers and from contracting for and receiving, up to and including the highest rate of charge permitted by this article at the time of making said loans; provided, however, that if any person or any husband and wife are obligated to and do pay more than one loan contract outstanding at the same time, the entire amount of charges paid by such person or such husband and wife and received by the industrial loan company on such loan contracts, shall not exceed the maximum that would be permitted by this article if all such loan contracts so paid were combined into one loan transaction. Industrial loan companies

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CHAPTER 247

An act to amend Sections 18655 and 18656 of the Financial Code, relating to loan regulations.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 18655 of the Financial Code is amended to read:

Limitation on aggregate charges

18655. The charges by an industrial loan company, broker, and all other persons on any loan, forbearance of money, credit, goods, or things in action under this division, shall not exceed in the aggregate:

(a) Two and one-half percent per month on that portion of the unpaid principal balance up to, including but not in excess of one hundred dollars ($100).

(b) Two percent per month on that portion of the unpaid principal balance in excess of one hundred dollars ($100) up to, including but not in excess of three hundred dollars ($300).

(c) Five-sixths of one percent (5/6 of 1%) per month on that portion of the unpaid principal balance in excess of three hundred dollars ($300).

SEC. 2. Section 18656 of the Financial Code is amended to read:

Limit on insurance

18656. If in connection with any loan, insurance is taken in favor of the industrial loan company, the total amount which may be contracted for and received for interest, brokerage and all other charges shall not exceed in the aggregate:

(a) Two percent per month on that portion of the unpaid principal balance up to, including but not in excess of three hundred dollars ($300).

(b) Five-sixths of one percent (5/6 of 1%) per month on that portion of the unpaid principal balance in excess of three hundred dollars ($300).

CHAPTER 248

An act to amend Section 18410 of the Financial Code, relating to industrial loan companies.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

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

SECTION 1. Section 18410 of the Financial Code is amended to read:

Conveyance of real property

18410. Real estate held by a company shall be conveyed by an instrument under the corporate seal of the corporation, signed by the president or vice president, and the secretary or assistant secretary.

CHAPTER 249

An act to add Section 690.5 to the Code of Civil Procedure, relating to property exempt from execution or attachment.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

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

SECTION 1. Section 690.5 is added to the Code of Civil Procedure, to read:

Prosthetic and orthopedic appliances

690.5. All prosthetic and orthopedic appliances personally used by the judgment debtor.

CHAPTER 250

An act to amend Section 1861a of the Civil Code, relating to liens of keepers of furnished apartment houses, furnished apartments, furnished cottages, or furnished bungalow courts.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1861a of the Civil Code is amended to read:

Liens of keepers of furnished apartment houses, etc., on property of tenants

1861a. Keepers of furnished apartment houses, furnished apartments, furnished cottages, or furnished bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such furnished apartment house, furnished apartment, furnished cottage, or furnished bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such moneys are repaid. Unless such charges shall be paid and unless such moneys shall be repaid within 60 days from the time when such charges and moneys, respectively, become due, said keeper of a furnished apartment house, furnished apartment, furnished cottage, or furnished bungalow court, may sell said baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, once every week for four successive weeks, prior to the date of sale, in a newspaper of general circulation in the county in which said furnished apartment house, furnished apartment, furnished cottage, or furnished bungalow court is situated, and also by mailing, at least 15 days prior to the date of sale, a copy of such notice addressed to such tenant or guest at his post-office address, if known, and if not known, such notice shall be addressed to such tenant or guest at the place where such furnished apartment house, furnished apartment, furnished cottage, or furnished bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid by said keeper of a furnished apartment house, furnished apartment, furnished cottage, or furnished bungalow court to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if

Sale

any, shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representative, within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper of a furnished apartment house, furnished apartment, furnished cottage, or furnished bungalow court for the recovery of such baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

This section does not apply to:

Exemptions

(a) Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living

(b) Any prosthetic or orthopedic appliance personally used by a tenant or guest.

CHAPTER 251

An act to amend Section 31520 1 of the Government Code, relative to alternate members on county employees retirement boards.

In effect September 9, 1953

[Approved by Governor April 17, 1953 Filed with Secretary of State April 17, 1953]

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

SECTION 1. Section 31520.1 of the Government Code is amended to read:

County board of retirement Members, terms, etc

31520 1 In any county subject to the provisions of Articles 6 8 and 7.5, the board of retirement shall consist of seven members and one alternate, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth and sixth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor, and shall be appointed by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The alternate member shall also be elected by the safety members from the group under Section 31470.2 or 31470.4, which is not represented by a board member. The first persons chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh, and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later Thereafter the terms of office of the six elected members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event any one of the seven regular members is absent from a board meeting for any cause. Alternate

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CHAPTER 252

An act to amend Sections 137 and 146 of the Agricultural Code, relating to the expense of abatement work in plant quarantine and pest control.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.] In effect September 9, 1953

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

SECTION 1. Section 137 of the Agricultural Code is amended to read:

137. The expense of such abatement shall be a county charge payable out of county funds. Abatement expenses as liens

The amount incurred or expended shall be a lien on the land against which the expense is chargeable; provided, the notice to abate was recorded before the expense was incurred. In a case under Section 134 of this code, the total expense shall be prorated and chargeable against each parcel of land proportionate to the acreage thereof served by water from the canal or ditch.

A notice setting forth the amount expended shall be recorded within 30 days after the date of payment of the last item of expense of such abatement by the county, and such amount shall constitute such lien from the date of the recording of the notice as provided in Section 131 of this code.

Such lien shall be superior to all encumbrances, existing and future, except liens for taxes and assessments, if a copy of the notice to abate nuisance shall have been recorded and a copy thereof served upon or mailed to the holder of any encumbrance of record in the manner provided in Section 131 of this code.

SEC. 2. Section 146 of said code is amended to read:

146. The expense of such removal or destruction shall be a county charge payable out of county funds. The amount incurred or expended therefor shall be a lien on the land against which the expense is chargeable; provided, the notice of lien referred to in Section 145 of this code was recorded before the expense was incurred. A notice setting forth the amount expended shall be recorded within 30 days after the date of payment of the last item of expense so incurred by the county, and such amount shall constitute such lien from the date of recording of the notice as provided in Section 145 of this code. Expense a county charge. Lien

Such lien shall be superior to all encumbrances, existing and future, except liens for taxes and assessments, if a copy of the notice of lien shall have been recorded and a copy thereof served

upon or mailed to the holder of any encumbrance of record, at the last known address of said encumbrancer; and if the address of said encumbrancer is unknown to said commissioner, then said fact shall be stated in said copy so mailed, and it shall be addressed to him at the county seat of the county wherein said property is situated.

CHAPTER 253

An act to amend Sections 911.23, 912, and 914 of, and to repeal Section 911.25 of, the Agricultural Code, relating to agricultural seeds and seed inspection.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

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

SECTION 1. Section 911.23 of the Agricultural Code is amended to read:

"Secondary noxious weeds"

911.23. "Secondary noxious weeds," as used in this article, means all species of noxious weeds not classified as primary noxious weeds.

Secondary noxious weeds include the following:

Alkali mallow (Sida hederacea).

Bermuda grass (Cynodon dactylon).

Dodder, meaning clover dodder (Cuscuta epithymum), Chilean dodder (C. racemosa var. chiliana), field dodder (C. pentagona), flax dodder (C. epilinum), big-seed alfalfa dodder (C. indecora), and little-seed alfalfa dodder (C. planiflora).

Johnson grass (Sorghum halepense).

Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus).

Poverty weed (Iva axillaris).

Puncture vine (Tribulus terrestris).

Sandbur grass (Cenchrus pauciflorus).

Wild morning glory or European glorybind (Convolvulus arvensis).

Yellow star thistle (Centaurea solstitialis).

Any other species which the director, as provided in Section 917.2, finds and declares to be a secondary noxious weed.

SEC. 2 Section 912 of said code is amended to read:

Labels, etc., on seed for sowing purposes

912. Each container of agricultural seed which is sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) (a) Commonly accepted name, or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of 5 percent of the whole, and the percentage by weight of each. Where the aggregate of agricultural seed components, each present in an amount not exceeding 5 percent of the whole, exceeds 10 percent of the whole, each component in excess of

1 percent of the whole shall be named together with the percentage by weight of each. Where more than one component is required to be named, the names of all components shall be shown in letters of the same type and size

(2) Lot number or other lot identification.

(3) Percentage by weight of all weed seeds.

(4) The name and approximate number of each kind of secondary noxious weed seed:

(A) Per ounce or per pound in Agrostis species, Poa species, Rhodes grass, Bermuda grass, timothy, orchard grass, fescues, alsike clover, white clover, reed canary grass, Dallis grass, ryegrass, foxtail millet, alfalfa, red clover, sweetclover, lespedezas, smooth brome, crimson clover, Brassica species, flax, Agropyron species, and other agricultural seeds of similar size and weight, or mixtures within this group; and

(B) Per pound in proso, Sudan grass, wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group.

All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this article.

(5) Percentage by weight of agricultural seeds other than those required to be named on the label.

(6) Percentage by weight of inert matter. Where a percentage by weight is required to be shown by any provision of this section such percentage shall be exclusive of any substance added to the seed as a coating and shown on the label as such.

(7) For each agricultural seed, in excess of 5 percent of the whole, stated in accordance with provision (1) of this section, (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired.

(8) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

SEC. 3. Section 914 of said code is amended to read

914 It is unlawful to ship, deliver, transport, or sell any agricultural or vegetable seed within this State.

Conditions to shipment, etc., of agricultural, etc., seed

(1) Unless a test to determine the percentage of germination shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation, or sale:

(A) In the case of agricultural or vegetable seeds shipped, delivered, transported, or sold to a dealer for resale, five months;

(B) In the case of agricultural seeds sold at retail, 12 months; except that agricultural seed in packages consisting of one pound or less may be sold at retail if the test to determine the percentage of germination was completed within a 15-month

period, exclusive of the calendar month in which the test was completed.

(C) In the case of vegetable seeds sold at retail. 15 months; provided, that when the date of shipment or delivery is shown on the label, and the date of test is not shown, vegetable seed may be sold at retail without further test within 12 months from the date of shipment or delivery; and provided further, that vegetable seed in packages consisting of one pound or less may be sold at retail without further test within 15 months from the date of delivery to the retail dealer, whether or not the date of test or date of shipment is shown on the label

(2) Not labeled in accordance with the provisions of this article.

(3) Containing primary noxious weed seeds, subject to tolerances and methods of determination prescribed in the rules and regulations under this article.

(4) Having a false or misleading labeling, or pertaining to which there has been a false or misleading advertisement.

(5) Represented to be certified seed or registered seed, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency officially recognized under the provisions of this article, if produced in this State, or under the provisions of the Federal Seed Act and rules and regulations thereunder, if produced outside of this State.

Repeal

SEC. 4. Section 911 25 of said code is repealed.

CHAPTER 254

An act to add Section 3121.5 to the Financial Code, relating to the transmittal by the Superintendent of Banks to the State Controller of signature cards and other identifying information in connection with unclaimed money or other property deposited in the State Treasury.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

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

SECTION 1. Section 3121.5 is added to the Financial Code, to read:

Signature cards, etc., must accompany unclaimed money, etc.

3121 5 Whenever, under the provisions of this chapter, the Superintendent of Banks is required to transmit unclaimed money or other unclaimed property to any state officer for deposit in the State Treasury, the Superintendent of Banks, upon request of the State Controller, shall transmit to the State Controller all signature cards and such other identifying information as may be available from the records of the bank, covering such money or other property. Upon receipt by the State Controller of such signature cards or other identifying information, the bank and the Superintendent of Banks shall be

relieved of all responsibility therefor. Such signature cards and other identifying information may be destroyed or otherwise disposed of by the State Controller whenever, in his discretion, their further retention by him is no longer required in the interest of the depositors or the State.

CHAPTER 255

An act to amend Sections 71141, 71146, 71300, 72000, 72190, 72643, 72650, 72651, 72706, 72709, and 72715 of, and to add Sections 69584.5 and 69599.5 to, the Government Code, and to repeal Chapter 626 of the Statutes of 1919, Chapter 702 of the Statutes of 1931, and Chapter 263 of the Statutes of 1937, relating to the organization of courts.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 71141 of the Government Code is amended to read:

Judges. Election

71141. Except as provided in Sections 71142 and 71146, judges of the municipal court and justice court shall be elected at the general state election next preceding the expiration of the term for which the incumbent has been elected.

SEC. 2. Section 71146 of said code is amended to read:

Incumbents

71146. Nothing in the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, shall affect the term of office of any incumbent judge of a municipal court established prior to November 7, 1950, pursuant to the Municipal Court Act of 1925. If such term expires in a year when no general state election is held, such judge shall continue to hold office until his successor is elected at the general state election next succeeding the expiration of his term, and until such successor qualifies.

SEC. 3. Section 71300 of said code is amended to read:

"Marshal" or "constable"

71300. As used in this article "marshal" or "constable" means the marshal or the constable and any deputy marshal or deputy constable actively employed in the performance of duties as deputy marshal or constable. Other employees, such as clerks, bookkeepers, stenographers, or persons who may be appointed deputy marshal or constable but who do not perform the duties of such office, and persons holding honorary appointments as deputies but who receive no compensation and who do not regularly perform official duties are not included in this definition.

SEC. 4. Section 72000 of said code is amended to read:

Number, compensation, etc., of judges, etc.

72000. The Legislature shall prescribe the number and compensation of judges, officers, and attaches of each municipal court.

SEC. 5. Section 72190 of said code is amended to read:

Municipal court commissioners

72190 Within the jurisdiction of the court and under the direction of the judges, commissioners of municipal courts shall exercise all the powers and perform all of the duties authorized by law to be performed by commissioners of superior courts and such additional powers and duties as may be prescribed by law They shall possess the same qualifications the law requires of a judge. They shall be ex officio deputy clerks

SEC. 6. Section 72643 of said code is amended to read:

Marshal of Municipal Court, Los Angeles County Appointments, etc

72643. Appointments to the Office of Marshal of Municipal Courts, Los Angeles County, and the tenure and removal of the marshal shall be governed by the provisions of the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act, except that such appointments and removals shall be made by the majority vote of municipal court judges For the purpose of so voting, upon five days written notice, the judges of the municipal courts in Los Angeles County shall meet at a time and place designated by the presiding judge of the municipal court located at the county seat.

SEC 7 Section 72650 of said code is amended to read:

Salaries

72650. The marshal and his deputies and attaches of each of the courts in Los Angeles County which were established under the Municipal Court Act of 1925 shall succeed to positions prescribed in this article which provide salaries at least equal to 10 percent more than those received as attaches of the superseded courts prior to September 22, 1951, insofar as such positions are available and if such position is not available, to the most nearly comparable position which is available. If the salary established by this article for such new position is less than 10 percent more than that received by the person appointed to it, prior to September 22, 1951, such salary shall be deemed increased for the period of the appointee's incumbency to a sum equal to 10 percent more than the salary received by such person in the position previously held prior to September 22, 1951.

SEC. 8. Section 72651 of said code is amended to read:

Applicable laws

72651. All provisions of law relating to marshals of municipal courts, or a marshal of a municipal court and the deputies and attaches of his office, not inconsistent with the provisions of this article, apply to the Marshal of Municipal Courts, Los Angeles County, and to the officers, deputies, and attaches of the marshal.

SEC. 9. Section 72706 of said code is amended to read:

Municipal court commissioners Appointment, powers, etc

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding four, as the business of the court requires Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers and duties as may be prescribed by law. The commissioners shall hold office

at the pleasure of the judges and shall receive six hundred sixty dollars ($660) a month The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attaches of the court.

SEC. 10. Section 72709 of said code is amended to read:

Official reporters

72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall be an attache of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a salary of six hundred twenty-five dollars ($625) a month, which shall be paid from the reporters' salary fund

SEC. 11. Section 72715 of said code is amended to read:

Applicable provisions

72715. Any law to the contrary notwithstanding, Sections 72701 to 72714, inclusive, shall apply to the municipal court established in a judicial district embracing the City of Los Angeles, and to all cities included in said judicial district

SEC. 12. Section 69584.5 is added to the Government Code, to read:

County of Imperial

69584 5. In the County of Imperial there shall be two judges of the superior court.

SEC. 13. Section 69599.5 is added to the Government Code, to read:

County of Santa Barbara

69599 5. In the County of Santa Barbara there shall be two judges of the superior court.

Repeals

SEC. 14. Chapter 626 of the Statutes of 1919, Chapter 702 of the Statutes of 1931, and Chapter 263 of the Statutes of 1937 are hereby repealed

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CHAPTER 256

An act to amend Sections 3, 4, 5, 9, 11, 12, 13, 14, 15, 20, 21 and 25 of the Parking District Act of 1951, to add Sections 19a and 23a to said act, and to repeal Section 27 of said act, and to repeal Sections 35563, 35566, and 35704 of, to add Sections 35269.5, 35272.5, 35401.5, 35415 5, 35430, 35431, 35554.5, 35704, and 35705 to, and to amend Sections 35108, 35250, 35251, 35258, 35268, 35272, 35273, 35400, 35401, 35402, 35404, 35407, 35411, 35414, 35558, 35560, 35561, 35562, 35564, 35565, 35571, and 35703 of, the Streets and Highways Code, relating to the formation of districts within municipalities for the acquisition and improvement of parking places for the parking of motor vehicles; the issuance and sale of bonds to pay the costs of such acquisition and improvement and payable from revenues from such parking places from revenues from parking meters on some or all of the public ways in such districts and from ad valorem assessments upon real property in such districts; the acquisition, construction, improvement,

maintenance and operation of such parking places; the appointment and powers of parking place commissions for such districts; declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 17, 1953. Filed with Secretary of State April 17, 1953.]

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

SECTION 1. Section 3 of The Parking District Act of 1951 is amended to read:

Parking districts. Authorized activities.

Sec. 3. Any portion of a municipality incorporated under the laws of this State may be formed into a parking district for the purposes herein set forth. The things authorized to be done under this act, in addition to any things specified in other sections of this act, include the following:

(1) The formation of districts as herein provided;

(2) The acquisition of land, property and rights of way necessary or convenient for use as public parking places for the parking of motor vehicles and for the opening, widening, straightening or extending of streets, alleys, lanes or walks necessary or convenient for ingress to or egress from any parking place; the words "parking places" as used herein include parking lots, garages, subsurface structures, and buildings for the parking of motor vehicles;

(3) The improvement of any lands acquired by the construction thereon of garages or other buildings or improvements of any kind or nature necessary or convenient for parking purposes, and the improvement by grading, paving, draining, lighting or otherwise improving any parking place and any streets, alleys, lanes or walks necessary or convenient for ingress to and egress from parking places;

(4) The issuance, sale and payment of bonds for any or all of the foregoing purposes and the levy and collection of ad valorem assessments upon real property within the district for the payment of all or a portion of the principal and interest of such bonds;

(5) The administration, maintenance and operation of parking places acquired under this act;

(6) The fixing and collection of rentals, fees and charges for the use of parking places and the use of moneys derived from such rentals, fees and charges;

(7) The contribution by cities of moneys for the acquisition and improvement of such public parking places and public ways for ingress to and egress therefrom; the allocation and pledge of any revenues of the city derived from parking meters on public ways within the district to the payment of principal and interest of bonds, and the making of covenants and agreements with the bondholders to install and maintain such meters.

(8) The employment of engineers, attorneys, and any other persons necessary or convenient for the doing of any of the acts authorized by this act;

(9) Any property to be acquired hereunder may be acquired by gift, purchase, or eminent domain, and any conveyance of property or right of way as a gift may be conditional upon the use of the property for the purpose for which it is conveyed or property may be conveyed to the city in trust for a particular use or uses and the conveyance may provide that upon the cessation or abandonment of such use or uses the property shall be reconveyed to the donor or to his or its successors or assigns. Any property acquired by condemnation or otherwise may be acquired in fee simple.

(10) The doing of all acts and things necessary or convenient for the accomplishment of any of the purposes of this act The enumeration of specific authority in this act shall not be deemed to limit in any way the general authority granted by this paragraph. Same

(11) Any bonds issued hereunder, and the interest thereon, shall be payable from net revenues from the operation of the parking place or places acquired or improved with the proceeds thereof, and in addition thereto may also be payable from the net revenues (or a portion thereof) from parking meters on some or all of the public ways in the district. To the extent permitted by the provisions of this act, such bonds may also be payable from ad valorem assessments levied upon real property in the district within the limits herein provided. Neither the city nor any officer thereof shall be held otherwise liable for the payment of such principal and interest.

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

Sec. 4. The formation of a parking district hereunder may be proposed by petition signed by owners of real property in the proposed district as shown by the last equalized assessment roll owning real property of an assessed value not less than thirty-five percent (35%) of the total assessed value of all taxable real property in said district as shown by said assessment roll. Petition

SEC. 3. Section 5 of said act is amended to read:

Sec. 5. The petition shall contain: Contents

(1) The proposed name of the district.

(2) A general description of the boundaries of the proposed district.

(3) A general description of the parking places proposed to be acquired Said parking places need not be within the boundaries of the city or of the proposed district.

(4) A general description of any public ways proposed to be acquired for ingress to or egress from said parking places.

(5) A general statement of the improvements to be made or constructed on said proposed parking places, or on said public ways proposed to be acquired, or on existing public ways which would provide ingress to or egress from said proposed parking places.

(6) The limits as to time and rate upon ad valorem assessments, if any, which may be levied upon taxable real property in said district for the purposes permitted by this act, which

limits shall not exceed, as to time, 31 years from the date of said bonds, and, as to rate, fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

(7) The amount of money, if any, which it is proposed that the city contribute toward the cost and expense of the acquisitions and improvements proposed by the petition, toward the payment of incidental expenses of the proceedings hereunder, for the establishment of a reserve fund for the payment of the bonds and the interest thereon, or for other purposes in connection with the district.

(8) A general statement of the public ways within the district on which it is proposed the city install and maintain, or continue to maintain, parking meters, the net revenues from which will be allocated and pledged to the payment of the principal and interest of said bonds, and the period of time (measured from the date of said bonds) for which it is proposed that the city agree to maintain said meters. If it is proposed that only a specified amount, percentage or portion of said net revenues shall be so allocated and pledged, such amount, percentage or portion shall be generally defined.

SEC. 4. Section 9 of said act is amended to read:

Resolution of Intention

SEC. 9. Following the filing of said report with the legislative body, it may adopt a resolution declaring its intention to form said parking district and to issue bonds in the amount and for the purposes stated in said resolution. The resolution shall contain substantially the following:

Contents

(1) The name of the proposed district;

(2) A description of the boundaries thereof; this description may be general only and may refer to a map on file in the office of the clerk of the legislative body, which map shall show the boundaries of the proposed district and shall govern for all details thereof;

(3) A general description of the acquisitions and improvements proposed by the petition; this description may be in general terms and may refer to a map, plan or sketch on file in the office of said clerk for a further description of what is proposed to be done;

(4) The estimates of costs, expenses and revenues, and the assessed value of real property in the proposed district, as set forth in the report;

(5) The amount to be contributed by the city as proposed by the petition and agreed to by the legislative body;

(6) An estimate of the amount of the bonds proposed to be issued, the maximum number of years said bonds are to run, and the maximum rate of interest to be payable thereon, not in excess of six percent (6%) per annum;

(7) The limits, as stated in the petition, as to time and rate upon ad valorem assessments, if any, which may be levied upon taxable real property in the district for the purposes permitted by this act.

(8) A general statement of the public ways within the district on which the city will, as proposed by the petition, install

and maintain, or continue to maintain parking meters, the net revenues from which will be allocated and pledged to the payment of the principal and interest of said bonds, and the period of time (measured from the date of said bonds) for which the city will agree to maintain said meters. If it is proposed that only a portion of said net revenues be so allocated and pledged, such portion shall be generally defined.

(9) The date, hour and place for the hearing on the proposed formation of such district and the time within which and the place where protests may be filed.

(10) The resolution shall make reference to the report on file in the office of the clerk.

SEC. 5. Section 11 of said act is amended to read:

Protests

Sec. 11. Any person interested and objecting to the formation of said parking district or to the extent thereof or to the inclusion of his property therein or to the acquisitions and improvements as proposed, or to the issuance of bonds or to the doing of any other things as proposed in the resolution of intention may file a written protest with the clerk of the legislative body at any time prior to the time fixed for the hearing.

Hearing

At the hearing the clerk of the legislative body shall present to it all protests filed with him and the legislative body shall hear and determine the same. Its decision thereon shall be final and conclusive; provided, however, that if the owners of taxable real property in said district having an assessed valuation of more than one-half of the assessed valuation of all taxable real property in said district at the conclusion of the hearing have on file and not withdrawn their written protests objecting to the formation of said district, the legislative body shall make a finding that such majority protest has been filed, and upon such finding being made the proceeding shall be deemed abandoned and no further proceedings shall be had or taken pursuant to said petition. Any protest filed may be abandoned and withdrawn by written notice of such abandonment or withdrawal signed by the person who signed the protest and filed with the clerk of the legislative body at any time prior to the conclusion of the hearing. If a proceeding is terminated by the filing of a majority protest no new petition for the same purpose may be filed until the expiration of one year from the date of the finding of the legislative body that such majority protest was filed. However, a new petition for a modified project may be filed at any time. Said hearing may be continued from time to time at the discretion of the legislative body. At said hearing the legislative body may make such changes in the boundaries of the proposed district as it shall find to be proper and advisable and shall define and establish such boundaries, but said legislative body shall not modify such boundaries so as to include any territory which will not in its judgment be benefited by the proposed project, and no territory shall be excluded from the proposed district which will in the judgment of said legislative body be benefited by the proposed project.

At said hearing, the legislative body may also increase, decrease, change, or otherwise modify the acquisitions or improvements to be made, but the legislative body shall not increase, decrease, change or otherwise modify said acquisitions or improvements without first procuring from the city engineer or other competent person a supplemental report showing the effect thereof upon the estimates and other data given in the original report.

If the legislative body proposes to make changes in the boundaries of the proposed district or in the acquisitions and improvements, it shall take the proceedings required by Section 12 hereof and shall continue the hearing to the time fixed for hearing objections to the proposed changes.

SEC. 6. Section 12 of said act is amended to read:

Change of boundaries, etc.

SEC. 12. The legislative body shall not make any change in the boundaries of the proposed district or in the acquisitions and improvements, except after notice of its intention so to do given by two insertions in the newspaper in which the resolution of intention was published and specifying a time for hearing objections to any such proposed change, which time shall be not less than twenty (20) days after the first publication of said notice. Written objections to any proposed change may be filed with the clerk of said legislative body by any interested person at any time prior to the hour set for hearing the same. Said legislative body shall hear and pass upon such objections at the time appointed or at any time to which the hearing thereof may be adjourned and its decision thereon shall be final and conclusive.

If the boundaries are changed, protests objecting to the formation of the district made by owners of real property excluded by the change shall not be counted in computing a majority protest as hereinbefore provided but written protests objecting to the formation of the district made by owners of real property remaining in the district and by the owners of real property added by the change and filed not later than the time fixed for hearing objections to such change shall be counted in computing a majority protest as hereinbefore provided.

At the conclusion of the hearing fixed by the resolution of intention, if no majority protest is on file as hereinbefore provided and if all protests and objections, including protests and objections to changes, have been overruled and denied, then said legislative body shall be deemed to have acquired jurisdiction to proceed further under this act.

When the legislative body has so acquired jurisdiction to proceed further, it may adopt an ordinance declaring that said parking district is formed and describing the acquisitions and improvements to be made.

SEC. 7. Section 13 of said act is amended to read:

Acquisition of land, property, etc.

SEC. 13. Before issuing any bonds the city shall contract for the purchase of the land, property and rights of way to be acquired, (which contracts may provide that the city's obligation to purchase thereunder shall be contingent upon the avail-

ability of funds from the sale of bonds and contributions, if any) or the city shall procure options to purchase such land, property and rights of way, or, if all or any portion thereof cannot be acquired by contract or under option at a price which the legislative body deems satisfactory, the legislative body shall cause an action or actions to be brought in the name of the city for the condemnation thereof and, before issuing any bonds, shall obtain a judgment in such action or actions. If after the amount to be paid for the land, property and rights of way to be acquired has been fixed by contract or by option or by a judgment or judgments, the legislative body finds and determines that it will not be feasible to issue bonds in an amount necessary to make the acquisitions and improvements described in the ordinance declaring the district formed and the incidental expenses in connection therewith and the proceedings therefor, after deducting any amount to be contributed by the city for such purposes, the legislative body may eliminate, change or otherwise modify any of the proposed acquisitions or improvements, after notice and hearing as provided in Section 12 hereof, and the majority protest provisions of said Section 12 shall apply.

Condemnation

Except as otherwise provided in this act, any condemnation action brought hereunder shall be governed by those provisions of the Code of Civil Procedure which are applicable thereto; provided, however, that the limitations provided in Sections 1251 and 1255a of said code as to the time within which the sum of money assessed must be paid and the time within which the proceedings may be abandoned shall not apply. In any such condemnation action the ordinance declaring that the parking district is formed and describing the acquisitions and improvements to be made shall be conclusive evidence of the public necessity of the proposed acquisitions and improvements, that the property to be taken is necessary therefor and that the proposed acquisitions and improvements are planned and located in the manner which will be most compatible with the greatest public good and the least private injury.

SEC. 8. Section 14 of said act is amended to read:

Ordinance, etc. Bond issue

SEC. 14. When the amount to be paid for the land, property and rights of way finally determined to be acquired has been fixed by contract or by option or by a judgment or judgments, the legislative body may by ordinance, resolution or indenture provide for the issuance of bonds of the district in an amount not exceeding the amount necessary to make the proposed acquisitions and improvements, to pay the incidental expenses in connection therewith and the proceedings therefor and to establish a reserve fund for the payment of the principal of and interest on said bonds, less any amount to be contributed by the city for such purposes.

The legislative body shall describe the form of bonds and of the interest coupons to be attached thereto. Said bonds shall all mature with 30 years after the date thereof and shall be payable at the times and at a place to be fixed by the legislative body and designated in such bonds. The legislative body may make such

bonds or any portion thereof callable for redemption before maturity at such time or times, at such price or prices and upon such other terms and conditions as it may determine. Any bond callable before maturity shall contain a recital to that effect. The bonds shall be issued in the denomination of one thousand dollars ($1,000) each, shall be payable on the day and at the place fixed in such bonds, with interest at the rate specified in such bonds, which rate shall not be in excess of the maximum rate stated in the resolution of intention, and shall be paid semiannually except the interest for the first year may be paid at the end of said year. Said bonds shall be signed by the chief executive of the city or by such other officer thereof as the legislative body shall in said ordinance, resolution or indenture authorize and designate for that purpose and also signed by the treasurer thereof and countersigned by the clerk. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer. All of the signatures on said bonds and on the interest coupons thereof may be made by printed, lithographed or engraved facsimile except the countersignature of the clerk which shall be manually affixed. In case any such 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.

Each of said bonds shall state in substance that the bond together with the interest thereon is payable solely from the net revenues from the operation of the parking place or places acquired and improved with the proceeds thereof, the net revenues (or a portion thereof) from parking meters on certain public ways within the district (if such be the case), and, to the extent provided in this act, from a limited (stating the limits) ad valorem assessment to be levied upon taxable real property in the district (if such be the case), and that neither the city nor any officer thereof is to be held otherwise liable for its principal or interest.

SEC. 9. Section 15 of said act is amended to read:

Additional provisions of ordinance, etc

Sec. 15. The ordinance, resolution or indenture providing for the issuance of said bonds may also provide:

(1) For the maintenance and operation of the parking facilities, for the establishment of a special fund or funds into which all revenues derived from the operation of the parking facilities shall be placed, for the payment from said fund or funds of the expenses of operating and maintaining said parking places, and for the allocation and pledge of the remaining revenues to the payment of said bonds and the interest thereon.

(2) For the installation of parking meters on the public ways within the district as provided in the resolution of intention, to the extent such meters have not already been installed, for the maintenance of meters on such public ways for the period of time specified in the resolution of intention, for the establishment of a special fund or funds into which the net revenues

(or portion thereof as specified in the resolution of intention) shall be paid, and for the allocation and pledge of said net revenues, or said portion thereof, to the payment of said bonds and the interest thereon.

(3) For the levy each year, if so provided in the petition and in the resolution of intention, of an ad valorem assessment on all taxable real property in the district, to the extent to which revenues from the parking lots and from parking meters pledged to the payment of principal and interest of said bonds have been or are expected to be insufficient in any year to pay such principal and interest or to the extent to which any reserve fund established for said bonds has been or will be used to pay such interest and principal. The rate of ad valorem assessment shall be fixed by the legislative body each year in accordance with such provision. Such ad valorem assessment shall not exceed the limits stated in the resolution of intention. Such assessment shall be levied, collected and enforced in the same manner, at the same times, and with the same penalties and interest, as in the case of taxes levied for the city.

(4) For interest and redemption funds, sinking funds, reserve funds, and any other funds necessary or convenient for use in the payment of said bonds and the interest thereon.

(5) For restrictions on the operation by the city or the district of other facilities for the public parking of motor vehicles which would compete with the facilities, the revenues of which are pledged to the payment of the bonds and the interest thereon.

Said ordinance, resolution or indenture may also contain any other provisions necessary or desirable to carry out the intent and purpose of, not inconsistent with the provisions of, this act.

The provisions of said ordinance, resolution, or indenture shall constitute covenants for the benefit and protection of the holders of said bonds, and any such holder may enforce the same by mandamus or other appropriate remedy. Any provision of said ordinance, resolution or indenture, except a provision as to the amount or time of payment of principal or interest on the bonds, may be later eliminated or modified by the legislative body, if the holders of not less than sixty percent (60%) of the outstanding bonds have agreed in writing to such elimination or modification.

SEC. 10 Section 19a is added to said act, to read:

Sec. 19a. A commissioner appointed to fill a vacancy created by the death, resignation, incapacity or removal of a commissioner shall hold office for the unexpired term of the former incumbent. Term of appointed commissioner

SEC 11 Section 20 of said act is amended to read:

Sec 20. All property acquired under the provisions of this act shall be condemned or acquired in the name of the city and title to such property shall be in the city but shall be held by the city subject to the provisions of this act, and the parking places acquired shall be under the jurisdiction and control of the commission of the district for which the same were acquired The commission shall operate, manage and control said parking Status of property acquired Operation, regulation, etc.

places and shall make and enforce all necessary rules and regulations for the use thereof. It shall fix, regulate and collect rentals, fees or other charges for the parking of vehicles therein and may provide different rates for different classes of customers or users Such rentals, fees or other charges shall be fixed after public hearing following such notice as the commission may prescribe.

Legislative intent

The providing of adequate public parking places in cities largely depends upon the formation of parking districts. Such districts will be created and will be successful only if so operated as to serve the property within the district adequately. It is the intent of this act, if the ordinance, resolution or indenture providing for the issuance of the bonds provides for the levy of an ad valorem assessment upon the taxable real property in the district, that the owners of real property in a parking district which is created hereunder to provide parking places to solve the parking problems of the district may receive preferential rates, charges, or rentals for themselves, their tenants and the classes of persons who call upon or do business with them, all to the end that the property which bears the burden and provides a solution for the parking problem shall receive a special benefit.

All parking places acquired and constructed under this act shall be public parking places; but nevertheless, if the ordinance, resolution or indenture providing for the issuance of the bonds provides for the levy of an ad valorem assessment upon the taxable real property in the district, the commission having jurisdiction over the parking places for any district may restrict or partially restrict the use of such parking places to owners and tenants, and classes of persons designated by such owners or tenants of real property in the parking district and may establish rates or charges or rentals for the owners and tenants of such properties and classes of persons designated by such owners or tenants which differ from and are less than the rates, charges, or rentals charged other persons.

Rentals, fees, etc

The commission shall fix such rentals, fees or charges as will produce sufficient revenue, when added to the expected revenues from parking meters pledged to the payment of the bonds of the district, to pay the principal and interest of said bonds as the same fall due, and also to call and retire prior to maturity any bonds which, under the provisions of the ordinance, resolution or indenture providing for the issuance of the bonds, are to be called and retired prior to maturity if revenues are sufficient to make such call.

Covenants

The commission shall abide by all covenants made by the legislative body in the issuance of the bonds

Employees

All employees required for the proper operation, management and control of the parking places acquired and constructed under this act shall be city employees selected as other city employees are selected.

Discontinuance of parking places

As long as any of the bonds of the district or any interest thereon remain unpaid, the parking places acquired for the district shall be used as public parking places and for no other

purpose After such bonds and all interest thereon have been paid such property shall continue to be used as public parking places; provided, that such use may be discontinued as to such property or any portion thereof if the legislative body, after public hearing following such notice thereof as the legislative body may prescribe, determines by a four-fifths vote of all its members that the public interest and necessity and the needs of the district no longer require that such property, or such portion thereof, be used as public parking places. Thereafter the property as to which such determination is made may be used by the city for any public purpose or it may be sold as other city property is sold when no longer needed for a public purpose. If any ad valorem assessment has been levied upon the real property in the district as in this act provided, then the proceeds of such sale shall be used to make refund of such assessments to the then owner of each parcel of real property which has been so assessed in the proportion which the total assessments levied upon such parcel bears to the total of all such assessments but no refund as to any parcel shall exceed the total assessments theretofore paid in respect of said parcel, and any portion of the proceeds remaining after such refunds have been made shall be placed in the general fund of the city.

SEC. 12. Section 21 of said act is amended to read:

Leases, contracts, etc

SEC. 21. The commission in the exercise of its power to operate, manage and control parking places as provided in Section 20 hereof, shall have the power to lease any or all of said parking places to any person, firm, or corporation for the sole purpose of the operation by said person, firm, or corporation of public parking facilities thereon, or may make a contract with any person, firm, or corporation for such purpose The consideration to be paid for any such lease or under any such contract by the operator may be a fixed sum or a percentage of gross rentals, fees or charges collected by the operator, or any other consideration. The maximum rentals, fees and charges to be collected by the operator shall be fixed by the commission after public hearing as provided in Section 20 hereof and shall be recited in the lease or contract, and no higher rentals, fees or charges shall be collected by the operator without amendment of said lease or contract agreed to by the board after like public hearing Neither the commission nor any such operator shall conduct on any parking place any business other than that of the operation of public parking facilities. If the ordinance, resolution or indenture providing for the issuance of the bonds provides for the levy of an ad valorem assessment upon the taxable real property in the district, any such lease or contract may provide that the use of the parking places shall be restricted or partially restricted to owners and tenants, and classes of persons designated by such owners or tenants, of real property in the district, and may provide for maximum rates or charges or rentals for such owners or tenants and classes of persons designated by such owners or tenants which differ from and are less than the maximum rates, charges

or rentals charged other persons, all as provided in Section 20 hereof.

To provide revenues for the district, the legislative body conducting the proceeding for the formation of the district, at any time prior to the formation of the district, or after the formation of the district and prior to the appointment of a commission therefor, may enter into a contract or lease with any owner or tenant of property in the district under which said owner or tenant, for a specified rental or other consideration and for a specified period not exceeding 10 years, reserves a reasonable proportion or number of parking spaces in a parking place of the district, for the use of the owner of such property, the tenant or tenants thereof, the employees of any such owner or tenant performing services on such property, and the customers of, or other classes of persons designated by, such owner or tenant and entering said property as invitees or otherwise. After the appointment of a commission for the district such commission shall have the power to make such contracts or leases.

SEC. 13. Section 23a is added to said act, to read:

Additional acquisitions, improvements

Sec. 23a. Whenever a district has been formed under this act and a bonded indebtedness has been incurred for public parking facilities as in this act provided, proceedings may later be taken hereunder for the further acquisition or improvement of public parking facilities for said district and the issuance of bonds therefor as in this act provided. The procedure specified in this act for the formation of the district and the issuance of the initial bonds shall be followed so far as applicable; provided, that at the hearing the legislative body shall have no power to change the boundaries of the district and the acquisitions and improvements finally ordered to be made must be ones which the legislative body, following the hearing, finds to be of benefit to the district as originally formed. Notwithstanding the provisions of Section 18 hereof, the bonds so issued to provide additional public parking facilities for the district may in part be secured by revenues from facilities acquired with the proceeds of bonds previously issued, to the extent that the allocation and pledge of such revenues to payment of the additional bonds is not prohibited by the ordinance, resolution or indenture providing for the bonds previously issued. The revenues from such additional facilities may be used to pay principal and interest on bonds previously issued to the extent authorized by the ordinance, resolution or indenture providing for the issuance of the bonds issued for such additional facilities.

SEC. 14. Section 25 of said act is amended to read:

City charters

Sec. 25. In instances where a district is formed under this act in any charter city, if under the provisions of the charter any power, jurisdiction, authority or duty cannot be performed or exercised in the manner, or by the body or officer, prescribed in this act, such power, jurisdiction, authority or duty shall be

performed or exercised in the manner, or by the body or officer, prescribed by such charter.

SEC. 15. Section 27 of said act is repealed.

SEC. 16. Section 35108 of the Streets and Highways Code is amended to read:

35108. In addition to matters specified elsewhere in this part, the acts authorized under this part include the following: Acts authorized

(a) The formation of districts.

(b) The acquisition of land, property, and rights of way necessary or convenient for use as public parking places for the parking of motor vehicles and for the opening, widening, straightening, or extending of streets, alleys, lanes, or walks necessary or convenient for ingress to or egress from any parking place.

(c) The improvement of any acquired land by the construction thereon of garages or other buildings or improvements of any kind or nature necessary or convenient for parking purposes.

(d) The improvement by grading, paving, draining, lighting, or otherwise of any parking place and any streets, alleys, lanes, or walks necessary or convenient for ingress to and egress from parking places.

(e) The issuance, sale, and payment of bonds for any or all of the foregoing purposes, and the levy and collection of ad valorem assessments upon real property within the district for the payment of all or a portion of the principal and interest of the bonds.

(f) The administration, maintenance, and operation of parking places acquired under this part.

(g) The fixing and collection of rentals, fees, and charges for the use of parking places and the use of moneys derived from the rentals, fees, and charges.

(h) The contribution by cities of money for the acquisition and improvement of the public parking places and public ways for ingress to and egress therefrom; the allocation and pledge of any revenues of the city derived from parking meters on public ways within the district to the payment of principal and interest of bonds, and the making of covenants and agreements with the bondholders to install and maintain such meters.

(i) The employment of engineers, attorneys, and other persons necessary or convenient for the doing of any act authorized by this part.

(j) The acquisition of property by gift, purchase, or eminent domain Any conveyance of property or right of way as a gift may be conditional upon the use of the property for the purpose for which it is conveyed, or property may be conveyed to the city in trust for a particular use or uses and the conveyance may provide that upon the cessation or abandonment of such use or uses the property shall be reconveyed to the donor or to his or its successors or assigns. Any property acquired by condemnation or otherwise may be acquired in fee simple.

(k) The doing of all acts and things necessary or convenient for the accomplishment of the purposes of this part. The enumeration of specific authority in this part does not limit in any way the general authority granted by this subdivision.

(l) Any bonds issued pursuant to this part, and the interest on them, shall be payable from net revenues from the operation of the parking place or places acquired or improved with the bond proceeds, and may also be payable from all or part of the net revenues from parking meters on some or all of the public ways in the district. To the extent permitted by the provisions of this part, the bonds may also be payable from ad valorem assessments levied upon real property in the district within the limits provided in this part Neither the city nor any of its officers shall be held otherwise liable for the payment of the principal and interest.

SEC. 17. Section 35250 of the said code is amended to read:

Formation proposed by petition

35250. The formation of a parking district may be proposed by petition signed by the owners of real property in the proposed district, as shown by the last equalized assessment roll, owning real property of an assessed value of not less than thirty-five percent (35%) of the total assessed value of all taxable real property in the district, as shown by the assessment roll.

SEC 18. Section 35251 of the said code is amended to read:

Contents

35251. The petition shall contain:

(a) The proposed name of the district

(b) A general description of the boundaries of the proposed district.

(c) A general description of the parking places proposed to be acquired. The parking places need not be within the boundaries of the city or of the proposed district.

(d) A general description of any public ways proposed to be acquired for ingress to or egress from the parking places.

(e) A general statement of the improvements to be made or constructed on the proposed parking places, the public ways proposed to be acquired, or existing public ways which would provide ingress to or egress from the proposed parking places.

(f) Any limits as to time and rate upon ad valorem assessments which may be levied upon taxable real property in the district for the purposes permitted by this part. The limits as to time shall not exceed 31 years from the date of the bonds, and the limits as to rate shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

(g) Any amount of money which it is proposed that the city contribute toward the cost and expense of the acquisitions and improvements proposed by the petition, toward the payment of incidental expenses of the proceedings hereunder, for the establishment of a reserve fund for the payment of the bonds and the interest thereon, or for other purposes in connection with the district.

(h) A general statement of the public ways within the district on which it is proposed the city install and maintain, or continue to maintain, parking meters, the net revenues from

which will be allocated and pledged to the payment of the principal and interest of the bonds, and the period of time, measured from the date of the bonds, for which it is proposed that the city agree to maintain the meters. If it is proposed that only a specified amount, percentage, or portion of the net revenues shall be so allocated and pledged, the amount, percentage or portion shall be generally defined.

SEC. 19. Section 35258 of said code is amended to read:

Resolution of intention

35258. Upon the filing of the report, the legislative body may adopt a resolution declaring its intention to form a parking district and to issue bonds in the amount and for the purposes stated in the resolution. The resolution shall contain substantially the following:

(a) The name of the proposed district.

(b) A description of its boundaries. This description may be general only and may refer to a map on file in the office of the clerk of the legislative body, which map shall show the boundaries of the proposed district and shall govern for all its details.

(c) A general description of the acquisitions and improvements proposed by the petition. This description may be in general terms and may refer to a map, plan, or sketch on file in the office of the clerk for a further description of what is proposed to be done.

(d) The estimates of costs, expenses, and revenues, and the assessed value of real property in the proposed district, as set forth in the report.

(e) The amount to be contributed by the city as proposed by the petition and agreed to by the legislative body.

(f) An estimate of the amount of the bonds proposed to be issued, the maximum number of years the bonds are to run, and the maximum rate of interest to be payable thereon not in excess of six percent (6%) a year

(g) The limits, as stated in the petition, as to time and rate upon any ad valorem assessments which may be levied upon taxable real property in the district for the purposes permitted by this part.

(h) A general statement of the public ways within the district on which the city, as proposed by the petition, will install and maintain, or continue to maintain parking meters, the net revenues from which will be allocated and pledged to the payment of the principal and interest of the bonds, and the period of time, measured from the date of the bonds, for which the city will agree to maintain the meters. If it is proposed that only a portion of the net revenues be so allocated and pledged, such portion shall be generally defined.

(i) The time and place for the hearing on the proposed formation of the district and the time within which and the place where protests may be filed.

(j) The resolution shall make reference to the report on file in the office of the clerk.

SEC. 20. Section 35268 of said code is amended to read:

Change of boundaries.

35268. At the hearing the legislative body may alter the boundaries of the proposed district as it finds to be proper and advisable and shall define and establish the boundaries, but the legislative body shall not modify the boundaries so as to include any territory which will not in its judgment be benefited by the proposed project, and no territory shall be excluded from the proposed district which will in the judgment of the legislative body be benefited by the proposed project.

SEC. 21. Section 35269.5 is added to said code, to read:

Hearing, objections

35269.5. If the legislative body proposes to make changes in the boundaries of the proposed district or in the acquisitions and improvements, it shall take the proceedings required by Sections 35270 to 35273, inclusive, and shall continue the hearing to the time fixed for hearing objections to the proposed changes.

SEC. 22. Section 35272 of said code is amended to read:

Objections

35272. The legislative body shall hear and pass upon objections to proposed changes at the time appointed or at any time to which the hearing may be adjourned. Its decision shall be final.

SEC. 23. Section 35272 5 is added to said code, to read:

Change of boundaries: Protests

35272 5. If the boundaries are changed, protests objecting to the formation of the district made by owners of real property excluded by the change shall not be counted in computing a majority protest as hereinbefore provided, but written protests objecting to the formation of the district made by owners of real property remaining in the district and by the owners of real property added by the change and filed not later than the time fixed for hearing objections to such change shall be counted in computing a majority protest as hereinbefore provided.

SEC. 24. Section 35273 of said code is amended to read:

Ordinance to establish, etc, district

35273. At the conclusion of the hearing fixed by the resolution of intention, if no majority protest is on file and if all protests and objections, including protests and objections to changes, have been overruled and denied, the legislative body may proceed further under this part, and may adopt an ordinance declaring that the parking district is formed and describing the acquisitions and improvements to be made.

SEC. 25. Section 35400 of said code is amended to read:

Land acquisition Bond issue

35400. Before issuing any bonds the city shall contract for the purchase of the land, property, and rights of way to be acquired, which contracts may provide that the city's obligation to purchase thereunder shall be contingent upon the availability of funds from the sale of bonds and contributions, if any, or the city shall procure options to purchase such land, property, and rights of way, or, if all or any portion thereof cannot be acquired by contract or under option at a price which the legislative body deems satisfactory, the legislative body shall cause an action to be brought in the name of the city for its condemnation and, before issuing any bonds shall obtain a judgment in such action.

SEC. 26. Section 35401 of said code is amended to read:

35401. If after the amount to be paid for the land, property, and rights of way to be acquired has been fixed by contract or by option or by a judgment the legislative body finds that it will not be feasible to issue bonds in an amount necessary to make the acquisitions and improvements described in the ordinance declaring the district formed and the incidental expenses in connection therewith and the proceedings therefor, after deducting any amount to be contributed by the city for such purposes, the legislative body may eliminate, change, or otherwise modify any of the proposed acquisitions or improvements, after notice and hearing as provided in Sections 35270 to 35273, and the majority protest provisions of Section 35272 shall apply. Modification, etc., of plans

SEC. 27 Section 35401.5 is added to said code, to read:

35401.5. Except as otherwise provided in this part, any condemnation action brought hereunder shall be governed by those provisions of the Code of Civil Procedure which are applicable thereto; provided, however, that the limitations provided in Sections 1251 and 1255a of said code as to the time within which the sum of money assessed must be paid and the time within which the proceedings may be abandoned shall not apply. In any such condemnation action the ordinance declaring that the parking district is formed and describing the acquisitions and improvements to be made shall be conclusive evidence of the public necessity of the proposed acquisitions and improvements, that the property to be taken is necessary therefor and that the proposed acquisitions and improvements are planned and located in the manner which will be most compatible with the greatest public good and the least private injury. Condemnation actions

SEC. 28. Section 35402 of said code is amended to read:

35402. When the amount to be paid for the land, property, and rights of way finally determined to be acquired has been fixed by contract or by option or by a judgment, the legislative body may by ordinance, resolution, or indenture provide for the issuance of bonds of the district in an amount not exceeding that necessary to make the proposed acquisitions and improvements, to pay the incidental expenses in connection therewith and the proceedings therefor and to establish a reserve fund for the payment of the principal of and interest on the bonds, less any amount to be contributed by the city for such purposes Bond issue

SEC 29. Section 35404 of said code is amended to read:

35404. The bonds shall all mature within 30 years after the date thereof and shall be payable at the times and at a place to be fixed by the legislative body and designated in the bonds Maturity date

SEC 30. Section 35407 of said code is amended to read

35407. The bonds shall be signed by the chief executive of the city or by such other officer as the legislative body in the ordinance, resolution or indenture authorizes and designates for that purpose and by the treasurer, and countersigned by the clerk. Signatures

SEC 31 Section 35411 of said code is amended to read:

Contents

35411. The bonds shall state in substance that:

(a) The bond and interest are payable solely from:

(1) The net revenues from the operation of the parking place or places acquired and improved with the proceeds.

(2) The net revenues, or a portion thereof, from parking meters on certain public ways within the district, if such is the case.

(3) To the extent provided in this part, from a limited (stating the limits) ad valorem assessment to be levied upon taxable real property in the district, if such be the case.

(b) Neither the city nor any of its officers is to be held otherwise liable for its principal or interest.

SEC. 32 Section 35414 of said code is amended to read

Levy of assessment

35414. The ordinance, resolution, or indenture providing for the issuance of the bonds may also provide for the levy each year, if so provided in the petition and in the resolution of intention, of an ad valorem assessment on all taxable real property in the district, to the extent to which revenues from the parking lots and from parking meters pledged to the payment of principal and interest of the bonds have been or are expected to be insufficient in any year to pay the principal and interest or to the extent to which any reserve fund established for said bonds has been or will be used to pay such interest and principal. The rate of ad valorem assessment shall be fixed by the legislative body each year in accordance with the provision. The ad valorem assessment shall not exceed the limits stated in the resolution of intention. The assessment shall be levied, collected, and enforced in the same manner, at the same times, and with the same penalties and interest, as in the case of taxes levied for the city.

SEC. 33. Section 35415 5 is added to said code, to read:

Restrictions on operation

35415.5. The ordinance, resolution or indenture providing for the issuance of the bonds may also provide for restrictions on the operation by the city or the district of other facilities for the public parking of motor vehicles which would compete with the facilities, the revenues of which are pledged to the payment of the bonds and the interest thereon.

SEC 34. Section 35430 is added to said code, to read:

Future acquisitions, improvements

35430 Whenever a district has been formed under this part and a bonded indebtedness has been incurred for public parking facilities as provided in this part, proceedings may later be taken hereunder for the further acquisition or improvement of public parking facilities for said district and the issuance of bonds therefor as provided in this part. The procedure specified in this part for the formation of the district and the issuance of the initial bonds shall be followed so far as applicable; provided, however, that at the hearing the legislative body shall have no power to change the boundaries of the district and the acquisitions and improvements finally ordered to be made must be ones which the legislative body, following the hearing, finds to be of benefit to the district as originally formed.

SEC. 35. Section 35431 is added to said code, to read:

35431. Notwithstanding the provisions of Section 35429, the bonds issued under Section 35430 to provide additional public parking facilities for the district may in part be secured by revenues from facilities acquired with the proceeds of bonds previously issued, to the extent that the allocation and pledge of such revenues to payment of the additional bonds is not prohibited by the ordinance, resolution or indenture providing for the bonds previously issued. The revenues from such additional facilities may be used to pay principal and interest on bonds previously issued to the extent authorized by the ordinance, resolution or indenture providing for the issuance of the bonds issued for such additional facilities. Additional facilities

SEC. 36. Section 35554.5 is added to said code, to read:

35554.5. A commissioner appointed to fill a vacancy created by the death, resignation, incapacity or removal of a commissioner shall hold office for the unexpired term of the former incumbent. Term of appointed commissioner

SEC. 37. Section 35558 of said code is amended to read:

35558. The parking places acquired are under the jurisdiction and control of the commission of the district. Jurisdiction and control

SEC. 38 Section 35560 of said code is amended to read:

35560. The commission shall fix, regulate, and collect rentals, fees, or other charges for the parking of vehicles in parking places under its control, and may provide different rates for different classes of customers or users. Such rentals, fees, or other charges shall be fixed after public hearing following such notice as the commission may prescribe. Rentals, fees, etc

SEC. 39. Section 35561 of said code is amended to read:

35561. The providing of adequate public parking places in cities largely depends upon the formation of parking districts. Such districts will be created and will be successful only if so operated as to serve adequately the property within the district. It is the intent of this part, if the ordinance, resolution, or indenture providing for the issuance of the bonds provides for the levy of an ad valorem assessment upon the taxable real property in the district, that the owners of real property in a parking district created pursuant to this part to provide parking places to solve the parking problems of the district may receive preferential rates, charges, or rentals for themselves, their tenants, and the classes of persons who call upon or do business with them, all to the end that the property which bears the burden and provides a solution for the parking problem shall receive a special benefit. Legislative intent

SEC. 40. Section 35562 of said code is amended to read:

35562. All parking places acquired and constructed pursuant to this part are public parking places, but, if the ordinance, resolution, or indenture providing for the issuance of the bonds provides for the levy of an ad valorem assessment upon the taxable real property in the district, the commission may restrict or partially restrict their use to owners and tenants

of real property in the district, and classes of persons designated by such owners or their tenants and may establish rates, charges, or rentals for the owners and tenants of such properties and classes of persons designated by the owners or tenants which differ from and are less than the rates, charges, or rentals charged other persons.

Repeal

SEC. 41. Sections 35563 and 35566 of said code are hereby repealed.

SEC. 42. Section 35564 of said code is amended to read:

Selection of employees

35564. All employees required for the proper operation, management, and control of the parking places acquired and constructed under this part shall be city employees selected as other city employees are selected.

SEC. 43. Section 35565 of said code is amended to read:

Rentals, fees, etc.

35565. The commission shall fix such rentals, fees, or charges as will produce sufficient revenue, when added to the expected revenues from parking meters pledged to the payment of the bonds of the district, to pay the principal and interest of the bonds as they fall due, and also to call and retire prior to maturity any bonds which, under the provisions of the ordinance, resolution, or indenture providing for the issuance of bonds, are to be called and retired prior to maturity if revenues are sufficient to make such call.

SEC. 44. Section 35571 of said code is amended to read:

Restriction on use

35571. If the ordinance, resolution, or indenture providing for the issuance of the bonds provides for the levy of an ad valorem assessment upon the taxable real property in the district, any lease or contract may provide that the use of the parking places shall be restricted, or partially restricted, to owners and tenants of real property in the district, and classes of persons designated by them, and may provide for maximum rates, charges, or rentals for such persons which differ from and are less than the maximum rates, charges, or rentals charged other persons.

SEC. 45. Section 35703 of said code is amended to read:

City charter

35703. In instances where a district is formed under this part in any charter city, if under the provisions of the charter any power, jurisdiction, authority or duty cannot be performed or exercised in the manner, or by the body or officer, prescribed in this part, such power, jurisdiction, authority or duty shall be performed or exercised in the manner, or by the body or officer, prescribed by such charter.

Repeal

SEC. 46. Section 35704 of said code is repealed.

SEC 47. Section 35704 is added to said code, to read:

Use as parking places

35704. As long as any of the bonds of the district or any interest thereon remain unpaid, the parking places acquired for the district shall be used as public parking places and for no other purpose.

SEC. 48. Section 35705 is added to said code, to read:

Discontinuance

35705. After the bonds of the district and all interest thereon have been paid the property shall continue to be used

as public parking places. However, such use may be discontinued as to such property or any portion thereof if the legislative body, after public hearing following such notice thereof as the legislative body may prescribe, determines by a four-fifths vote of all its members that the public interest and necessity and the needs of the district no longer require that such property, or such portion thereof, be used as public parking places Thereafter the property as to which such determination is made may be used by the city for any public purpose or it may be sold as other city property is sold when no longer needed for a public purpose If any ad valorem assessment has been levied upon the real property in the district as provided in this part, then the proceeds of such sale shall be used to make refund of such assessments to the then owner of each parcel of real property which has been so assessed in the proportion which the total assessments levied upon such parcel bears to the total of all such assessments, but no refund as to any parcel shall exceed the total assessments theretofore paid in respect of said parcel, and any portion of the proceeds remaining after such refunds have been made shall be placed in the general fund of the city.

Urgency

SEC. 49. 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 constantly increasing traffic congestion in the State of California and particularly in its urban areas brings death or injury to many persons each day. The development of freeways is causing, and will continue to cause, an increase in the number of motor vehicles which are driven to the central business areas and in such areas traffic congestion detrimental to the public safety is in a large measure caused by the inability of the operators of motor vehicles to find quickly and easily a place to park. The provisions of this act are necessary to permit the formation of parking districts to provide parking places in such congested areas and it is therefore necessary that this act take effect immediately.

Effect Stats 1953, Ch 192

SEC. 50. Sections 16 to 48, inclusive, of this act become operative only if Part 4 of Division 18 of the Streets and Highways Code is enacted by the Legislature at its 1953 Regular Session, in such case at the same time as said Part 4 of Division 18 of the Streets and Highways Code takes effect, at which time Sections 3, 4, 5, 9, 11, 12, 13, 14, 15, 20, 21, and 25 of the Parking District Act of 1951 amended by this act, and Sections 19a and 23a added to said act by this act, are all hereby repealed.

CHAPTER 257

An act to amend Section 274 of the Agricultural Code, relating to the importation of bees, used hives or appliances, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

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

SECTION 1. Section 274 of the Agricultural Code is amended to read:

Importation of bees, used hives, etc

274. It is unlawful to import or transport into the State any bees or used hives or appliances, except used package bee cages returning empty, moving screens, bee smokers, bee veils, and hive tools, unless each separate load, lot or shipment is accompanied by a valid certificate signed by the State Entomologist or State Apiary Inspector or comparable officer in charge of apiary inspection for the state of origin, certifying the following facts:

(1) The name and address of the owner or shipper, the county of destination and method of transportation.

(2) The number of hives or nuclei containing bees, the number of used hives either empty or containing frames or combs, and a complete list of any other used beekeeping equipment in the shipment.

(3) The county and state of origin.

(4) The date on which inspection was last made of the apiary in which the bees, used hives and equipment originated.

(5) That such inspection was made at a time when sufficient brood was present to establish the actual presence or absence of disease.

(6) The total number of colonies in the apiary at the time of inspection, and the number of colonies found diseased.

(7) That all diseased colonies of bees found upon said inspection were destroyed prior to the issuance of the certificate.

(8) Any other facts which the certifying officer may deem pertinent to the condition and disease history of the bees during the two-year period immediately preceding the inspection.

Any shipment of bees, used hives or appliances arriving in this State which is not accompanied by a valid certificate, as required by this section, shall be refused entry and returned to the shipper or destroyed, at the option and expense of the owner or person in charge of the shipment.

Each certificate required by this section shall be delivered by the person importing or transporting the bees or the used hives or appliances to the commissioner in the county of destination within forty-eight (48) hours of the arrival of the bees or used hives or appliances. No such certificate shall be valid longer than sixty (60) days after the last date of inspection of the apiary shown on the certificate, except that a certificate covering a shipment arriving prior to April 1st from a locality having

severe winters shall be valid if it shows the last inspection of the apiary to have been made on or after September 15th of the preceding year.

When any bees or used hives or appliances entering California are found to be infected with disease at time of inspection in this State, the lot or shipment shall be placed under a hold notice as prescribed in Section 275 and shall, at the option and expense of the owner or bailee, be destroyed or shipped out of this State within forty-eight (48) hours of the time of such inspection unless in the opinion of the director or commissioner same can be handled in accordance with the provisions of Sections 275 and 276 without menace or harm from disease to the apicultural industry of this State.

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

The present law requires that bee hives and other bee-keeping appliances brought into this State be stamped with an indelible official stamp showing the state of origin and the date of inspection of the shipment by the apiary inspector or similar official in the state of origin. In some of the states no provision has been made for the use of such stamps The bee keepers in this State and elsewhere commonly move their colonies of bees from one seasonal location to another and in doing so frequently cross state lines. The requirement of a stamp of the state of origin and date of inspection, therefore, operates as an unnecessary impediment to the normal operations of the apiary industry. Inasmuch as the seasonal movement of bees occurs principally in the summer months it is necessary that this act take immediate effect in order that its benefits will be available during the 1953 production season.

CHAPTER 258

An act to amend Section 3 of Chapter 12 of the Statutes of 1951, relating to transfer of jurisdiction of the Department of Motor Vehicles Building.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.] In effect September 9, 1953

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

SECTION 1. Section 3 of Chapter 12 of the Statutes of the 1951 (Regular) Session is amended to read:

Sec. 3. As soon as the office building provided for in this act has been constructed and has been occupied by the State Department of Motor Vehicles, the state office building now occupied by the State Department of Motor Vehicles between Twelfth and Thirteenth on N Street, Sacramento, California, Transfer of jurisdiction

shall be transferred to the jurisdiction and control of the Department of Finance. Such transfer shall constitute a reimbursement to the General Fund in the amount of the appraised value of such building as of the date vacated by the Department of Motor Vehicles against amounts derived from the General Fund and expended for capital outlay purposes for the Department of Motor Vehicles and the California Highway Patrol from the Postwar Employment Reserve and the Capital Outlay and Savings Fund.

CHAPTER 259

An act to amend Section 422 of the Education Code, relating to the compensation of county superintendents of schools of counties of the twenty-second class.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

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

SECTION 1. Section 422 of the Education Code is amended to read:

Marin County Superintendent of Schools Salary

422. The annual salary of the county superintendent of schools of a county of the twenty-second class is ten thousand dollars ($10,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 260

An act to amend Section 20393 of the Government Code, relating to contributions to the State Employees' Retirement System.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

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

SECTION 1. Section 20393 of the Government Code is amended to read:

Accumulated contributions. Upon termination of state employment. Election

20393. Any other provision in this part to the contrary notwithstanding, if the state service of a member is discontinued by reason of resignation or discharge, or by reason of layoff or leave of absence deemed by the board to have resulted in permanent discontinuance (and in such case, as of the date of the determination by the board that the discontinuance is permanent), or if a member ceases to be entitled to credit in this system for future service because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States Government, or any state government or political subdivision

thereof, or if the disability retirement of a member is followed by cessation of the disability and by cancellation of the disability allowance, but the member does not re-enter state service, and the amount of his accumulated contributions standing to his credit at that time exceeds five hundred dollars ($500), he shall have the right to elect, not later than 90 days after the date upon which notice of said right is mailed by this system to the member's latest address on file in the office of this system 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 unless the member is entitled to be credited with 20 years of service. An election to allow accumulated contributions to remain in the Retirement Fund may be revoked at any time and all contributions accumulated up to the time of revocation may then be withdrawn. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age or disability he shall be entitled to 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 employer contributions held for him and calculated in the same manner as for other members, except that the provisions in this part for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section, such death benefit as may be payable under Article 5 of Chapter 9 of this part 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 number of his completed years of state service prior to such termination not to exceed six.

SEC. 2. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date. Operative date

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CHAPTER 261

An act to amend Section 1861 of the Civil Code, relating to liens of keepers of hotels, inns, boardinghouses and lodginghouses.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1861 of the Civil Code is hereby amended to read:

Inn keepers, etc., lien

1861. Hotel, motel, inn, boardinghouse and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, or boarders, or lodgers which may be in such hotel, inn, or boarding or lodginghouse for the proper charges due from such guests, or boarders, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, or boarders or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys are paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, inn, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, once every week for four successive weeks prior to the day of sale, in a newspaper of general circulation in the county in which said hotel, inn, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest, boarder or lodger at his post-office address, if known, and if not known, such notice shall be addressed to such guest, boarder or lodger at the place where such hotel, inn, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, inn, boardinghouse, or lodginghouse keeper to such guest, boarder or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, inn, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, inn, boarding or lodginghouse keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said

Sale

guest, boarder or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

This section does not apply to

Exemptions

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder, or lodger.

CHAPTER 262

An act to amend Section 220 of the Elections Code, relating to registration of electors.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 220 of the Elections Code is amended to read:

Affidavit of registration Contents

220. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including given name, and a middle name or initial, or if initial of given name is customarily used, then initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post-office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's occupation.

(e) The country or state of affiant's birth.

(f) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The date or year when and the place where affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of the parent or husband shall be stated.

(g) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot; in which case the nature of such disability shall be stated.

Affiant shall sign the affidavit with his or her name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

CHAPTER 263

An act to repeal Section 5565 of the Health and Safety Code, relating to powers and duties of county sewerage and water districts, in respect to work specifications.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

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

Repeal

SECTION 1. Section 5565 of the Health and Safety Code is hereby repealed.

CHAPTER 264

An act to amend Section 37500 of the Government Code, relating to the government of cities.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

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

SECTION 1. Section 37500 of the Government Code is amended to read:

Applicable provisions

37500. Except as otherwise provided in this article, the provisions of Article 1, Chapter 4 of Division 4, apply to all proceedings initiated pursuant to this article.

CHAPTER 265

An act to amend Section 31645 of the Government Code, relating to the retirement of county employees.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

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

SECTION 1. Section 31645 of the Government Code is amended to read:

Credit for prior service

31645. Except as provided in Section 31648 credit for prior service shall be granted to each person who has rendered such service as defined in or pursuant to this chapter, and who has become a member of the retirement system within one year after it becomes operative, or within six months after discharge from military service.

CHAPTER 266

An act to amend Section 413 of the Education Code, relating to the compensation of the county superintendent of schools.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 413 of the Education Code is amended to read:

San Joaquin County Superintendent of Schools Salary

413. The annual salary of the county superintendent of schools of a county of the thirteenth class is nine thousand dollars ($9,000), and he shall possess a valid general administrative credential issued by the State Board of Education

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CHAPTER 267

An act to amend Section 1057 of the Code of Civil Procedure, relating to obligees on bonds and undertakings executed by personal sureties.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1057 of the Code of Civil Procedure is amended to read:

Affidavit of sureties

1057. In any case where an undertaking or bond is authorized or required by any law of this State, the officer taking the same must, except in the case of such a corporation as is mentioned in the next preceding section, require the sureties to accompany it with an affidavit that they are each residents and householders, or freeholders, within the State, and are each worth the sum specified in the undertaking or bond, over and above all their just debts and liabilities, exclusive of property exempt from execution; and in those cases where the undertaking or bond is in an amount in excess of two thousand dollars ($2,000) the affidavit (herein required) shall also contain: the affiant's place of residence; a description sufficient for identification of property, real or personal, belonging to the affiant and relied upon by him as qualifying him on such bond or undertaking, and the nature of affiant's interest or estate therein; the affiant's best estimate of the actual cash value of each such property; a statement of any charge or lien, including the amount thereof, known to the affiant, whether of public record or not, against any such property; any other impediment or cloud known to the affiant on the free right of possession, use, benefit or enjoyment of any such property; provided, however, when the amount specified in the undertaking or bond exceeds

three thousand dollars ($3,000), and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than the amount specified in the undertaking or bond, if the whole amount is equivalent to that of two sufficient sureties. Any corporation such as is mentioned in the next preceding section, may become sole surety on such bond. No such corporation must be accepted in any case as a surety when its liability exceeds its assets as ascertained in the manner provided in Section 1056. Whenever an undertaking has been given and approved in any action or proceedings, and it is thereafter made to appear to the satisfaction of the court that any surety upon such undertaking for any reason is or has become insufficient, the court may, upon notice, order the giving of a new undertaking, with sufficient sureties, in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon when required, all rights obtained by the filing of the original undertaking shall immediately cease.

Corporation as surety

Undertaking subsequently insufficient

Upon filing, the clerk shall enter in the register of actions the date and amounts of such undertaking or bond, and the name or names of the surety or sureties thereon. In the event of the loss of such undertaking or bond, such entries so made shall be prima facie evidence of the due execution of such undertaking or bond as required by law.

Entry in register of actions

This section is not applicable in the case of a bidder's or proposal bond.

Exemption

CHAPTER 268

An act to amend Section 2469.1 of the Civil Code, relating to cessation of business conducted under a fictitious name.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 18, 1953.]

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

SECTION 1. Section 2469.1 of the Civil Code is amended to read:

Abandonment of fictitious name

2469.1. Every person and every partnership transacting business in this State under a fictitious name, or designation not showing the names of the persons interested as partners in such business, who has filed a certificate and caused the publication and filing of the affidavit of publication thereof according to the provisions of this chapter, may, upon ceasing to use that name, file a certificate of abandonment of name, stating the name in full and the place of residence of such person, and stating the names in full of all the members of such partnership and their places of residence. Such certificate shall be signed by the person therein referred to, or by one or more of the partners, as the case may be.

Such certificate must be published pursuant to Government Code Section 6064, in a newspaper published in the county, if there be one, and if there be none in such county, then in a newspaper in an adjoining county. An affidavit showing the publication of such certificate shall be filed subsequent to the certificate with the county clerk within 30 days after the completion of such publication

Publication

CHAPTER 269

An act to add Section 2436 to the Business and Professions Code, relating to the practice of the healing arts.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2436 is added to the Business and Professions Code, to read:

2436. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the superior court of any county, on application of the board or of 10 or more persons holding physician's and surgeon's or chiropodist's certificates issued under this chapter, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 of Title 7, Part 2, of the Code of Civil Procedure, except that no undertaking shall be required in any action commenced by the board.

Injunction

CHAPTER 270

An act to amend Sections 4651.4, 4655.2, 4656.4, 4656.6, and 4657, and to repeal Section 4657.4, of the Revenue and Taxation Code, relating to distribution of local property taxes and penalties.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4651.4 of the Revenue and Taxation Code is amended to read:

4651.4. The county treasurer and the county auditor shall each keep an accurate account of money received which is to be distributed and shall, at the time the treasurer is required to settle with the State for money in his possession belonging to the State, make a detailed, verified report to the Controller, in the form prescribed by the Controller, of all amounts distributed to the State.

Distribution of taxes

SEC. 2. Section 4655.2 of said code is amended to read:

Basis for distribution

4655.2. Taxes shall be distributed to each fund for which they were levied on the basis of the tax rate established during the preceding assessment year in the proportion which the tax rate for each fund bears to the total tax rate applicable.

SEC. 3. Section 4656.4 of said code is amended to read:

4656.4. Taxes shall be distributed to each fund on the basis of the tax rate established for the fiscal year preceding that in which distribution is made and in the same proportion as the tax rate for each fund bears to the total tax rate applicable.

SEC. 3.5. Section 4656.6 of said code is amended to read:

Penalties

4656.6. Amounts collected as delinquent penalties shall be distributed as taxes.

SEC. 4. Section 4657 of said code is amended to read:

4657. Interest and redemption penalties shall be distributed as taxes.

Repeal

SEC. 5. Section 4657.4 of said code is repealed.

CHAPTER 271

An act to add Section 1086.2 to the Military and Veterans Code, relating to the Woman's Relief Corps Home.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 1086.2 is added to the Military and Veterans Code, to read:

Lease of Woman's Relief Corps Home

1086.2. The Department of Veterans Affairs is authorized to lease the Woman's Relief Corps Home for the purpose of conducting by private persons a nursing home for the aged.

Any lease of said property shall include the provision that members of the Woman's Relief Corps Home shall be cared for at a cost to be established by mutual agreement between the private persons conducting the nursing home and the department, subject to approval by the Department of Finance and that such care shall be in accordance with standards of care and service prescribed by the Department of Veterans Affairs.

CHAPTER 272

An act to add Section 870.5 to the Agricultural Code, relating to olives.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 870.5 is added to the Agricultural Code, to read:

870.5. As to blended sizes of canned ripe olives packed after October 1, 1953, if any of the size names set out below are used, the count per pound, as determined by a representative sample of the olives taken at random from the container, shall be as follows: Olive count per pound

"Family"—averaging not less than 91 nor more than 105 to the pound, the blend to contain not more than 15 percent by count of the Standard size grade. "Family"

"King"—averaging not less than 45 nor more than 53 to the pound, the blend to contain not more than 15 percent by count of the Mammoth size grade. "King"

"Royal"—not to exceed 34 to the pound. In determining compliance with these size designations of blended olives, there shall be no tolerance from the maximum and minimum counts of each blended size. "Royal"

When blended sizes of olives are packed, the approximate size of the blended olives in the container shall be shown by a cut or imprint representing a size no larger than the average size in the container; or by cuts or imprints, appearing in combination or in close proximity on the label, of the smallest and largest sizes in the container, with a declaration that the olives in the container range in size between the two sizes shown. Blended sizes

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CHAPTER 273

An act to amend Section 28127 of the Government Code and Section 427 of the Education Code, relating to compensation for public service.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.] In effect September 9, 1953

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

SECTION 1. Section 28127 of the Government Code is amended to read:

28127. In a county of the twenty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums: Imperial County salaries

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, nine thousand six hundred dollars ($9,600) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, three thousand dollars ($3,000) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed seventy-five dollars ($75) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on

the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers, and submit signed receipts and vouchers for any expenses in excess of two dollars ($2). Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of seven cents ($0.07) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of seven cents ($0.07) a mile for all mileage actually traveled outside the county shall be paid.

(d) Trial jurors in criminal cases shall receive three dollars ($3) as compensation for each day's attendance for trial in the superior courts, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences in attending the superior court, one way only.

Grand jurors shall receive three dollars ($3) as compensation for each day's attendance at sessions of the grand jury, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences in attending the sessions of the grand jury, one way only, to be allowed but once during each meeting day the grand jurors are required to attend sessions thereof.

All jurors required to attend trials in justice courts shall receive one dollar and fifty cents ($1.50) as compensation for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled in attending such trials, one way only, to be allowed but once during each meeting day the trial jurors are required to attend trial.

As additional compensation and salary to the officers mentioned in this section, the county shall pay one-third of the insurance premium for group life, accident, and health insurance, if such officers are covered by group insurance.

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 427 of the Education Code is amended to read:

Imperial County Superintendent of Schools Salary

427. The annual salary of the county superintendent of schools of a county of the twenty-seventh class is seven thousand two hundred dollars ($7,200), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 274

An act to add Section 10038 to the Health and Safety Code, relating to vital statistics.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 10038 is added to the Health and Safety Code, to read:

Conference of local registrars of vital statistics

10038. The State Registrar of Vital Statistics may call into conference the local registrars of vital statistics (or their chief deputy registrars), as defined in Sections 10100, 10101, and 10113 of this code in such groups and at such place or places within the State as may be designated by him, to meet with the State Registrar or his duly authorized representatives, for the purpose of discussing problems dealing with registration of births, deaths, and marriages, in order to promote uniformity of policy and procedure throughout the State in matters pertaining to vital registration; provided further, that the actual and necessary expenses incident to attendance at not more than one such meeting per year shall with the prior approval of the local legislative body be a legal charge against the local governmental unit.

CHAPTER 275

An act to add Section 1550.6 to the Welfare and Institutions Code, relating to reinvestigation of eligibility for aid to needy children.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1550.6 is added to the Welfare and Institutions Code, to read:

Redetermination of eligibility

1550.6. The county is responsible for the eligibility of all recipients of aid under this chapter and shall as often as necessary redetermine eligibility of all recipients to receive aid.

CHAPTER 276

An act to amend Section 14722 of the Education Code, relating to school district retirement salary plans.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 14722 of the Education Code is amended to read:

Retirement salary plan.

14722. The plan may provide that the retirement salary shall be a stipulated monthly sum, or that all benefits under the retirement feature of the plan shall be based upon the salary for future active service in the district of the employee up to the date of retirement and upon the salary of the eligible employee during the year immediately preceding the adoption of the plan and the number of years of past active service of the employee in the district, and subject to such provisions as are made in the plan for minimum benefits, and also subject to such provisions as are made in the plan for benefits subsequent to the date of retirement of the employee. No employee with less than 15 years' service in the district prior to normal retirement age shall receive the benefit of the minimum.

CHAPTER 277

An act to add Section 16145 to the Education Code, relating to student organizations.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 16145 is added to the Education Code, to read:

Student body funds Trustee appointed

16145. In schools or classes for adults in which the student body is not organized, the governing board may appoint an employee or official to act as trustee for student body funds and to receive said funds in accordance with procedures established by the board. These funds shall be deposited in a bank approved by the board and shall be expended subject to the approval of said appointed employee or official and also subject to such procedure as may be established by the board.

CHAPTER 278

An act to amend Section 19540 of the Government Code, relating to the state civil service.

In effect September 9, 1953

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 19540 of the Government Code is hereby amended to read:

Written notice of layoff

19540. An employee compensated on a monthly basis shall be notified that he is to be laid off 15 days prior to the effective date of layoff. The notice of layoff shall be in writing and shall contain the reason or reasons for the layoff. An employee to be laid off may elect to accept such layoff prior to the effective date thereof.

CHAPTER 279

An act to add Section 1321 to Article 1 of Chapter 2 of Title 10 of Part 3, and to repeal Section 1477, of the Code of Civil Procedure, relative to the deposit of unclaimed property.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1321 is added to Article 1 of Chapter 2 of Title 10 of Part 3 of the Code of Civil Procedure, to read:

Money, etc., delivered to Treasurer, etc. Freedom from liability

1321. Any person delivering money or other property to the Treasurer or Controller under the provisions of this title shall, upon such delivery, be relieved and held harmless by the State from all or any claim or claims which exist at that time with reference to such money or other property, or which may thereafter be made, or which may come into existence, on account of, or in respect to, such money or other property.

No action shall be maintained against any person who is the holder of such money or other property, nor against any officer as agent thereof, for:

(a) The recovery of such money or other property delivered to the Treasurer or Controller pursuant to this title, or for interest thereon subsequent to the date of the report thereof, if any, to the Controller; or

(b) Damages alleged to have resulted from such delivery to the Treasurer or Controller.

No owner of money or other property shall be entitled to receive interest thereon or with respect thereto from and after the date on which a report of such money or other property is made to the Controller pursuant to any provision of this title, whether or not he was entitled to such interest prior to such report.

"Person," "holder"

As used in this section, "person" and "holder" have the respective meanings set forth in Section 1461 of this code.

Repeal

SEC. 2. Section 1477 of the Code of Civil Procedure is hereby repealed.

CHAPTER 280

An act to add Article 15, comprising Section 1578, to Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, relating to unclaimed or abandoned property.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Article 15 is added to Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, to read:

Article 15. Miscellaneous Unclaimed Property

Unclaimed property: Petition to have declared abandoned

1578. Any person who holds money or other property belonging to, or for the benefit of, any other person, which property, or the proceeds thereof, has remained unclaimed for a period of five consecutive years by the person appearing to be entitled thereto, may, with the written consent of the Controller, apply to the superior court of the county in which such money or other property is held, for an order declaring it to be abandoned and directing the holder thereof to transmit the same to the Treasurer or Controller in the manner provided by Article 1 of Chapter 2 of this title; provided, however, that the holder of such money or other property shall, at least 30 days prior to filing the petition in the superior court, transmit, by registered mail, a written notice to the person for whose benefit the property is held, addressed to the last known address, if any, of said person, stating the intention of such holder to file such petition unless such person appears and claims such money or other property. The holder shall also diligently endeavor to locate such person and if, after due diligence, the person cannot be found for the purpose of so serving notice on him, that fact shall appear by affidavit to the satisfaction of the court or a judge thereof filed with the petition.

Notice

The clerk of the superior court shall set the date for the hearing of the petition for such order and shall cause notice of the hearing of the petition to be posted at the courthouse of the county where the application is pending at least three weeks before the date of the hearing, giving the name of the person making the application for the order, the nature of the application, the nature of the property which is to be deposited in the State Treasury, the name of the person to whom the money or other property belongs or for whose benefit it is held, referring to the petition for further particulars, and notifying all persons interested to appear at the time and place mentioned in the notice and show cause, if any they have, why the order should not be made.

Costs and attorney's fees

The court, in its order, may allow court costs and reasonable attorney's fees incurred by the petitioner pursuant to the proceeding, to be paid out of the money or other property covered by the petition, prior to the deposit of the residue thereof in the State Treasury; and in such event, the court order shall provide that only the balance remaining after payment of such costs shall be transmitted to the Treasurer or Controller as herein provided.

All money or other property paid or delivered to the Treasurer or Controller under the provisions of this article shall be transmitted, received, accounted for, and disposed of, as provided in this title.

CHAPTER 281

An act to add Section 1382 to, and amend Section 1373 of, the Code of Civil Procedure, relating to the sale by the State Controller of real property distributed or escheated to the State of California.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1382 is added to the Code of Civil Procedure, to read:

Sale of escheated, etc., property

1382. Any provision of this article which authorizes the Controller to sell real property applies to any real property distributed or escheated to, or the title to which has vested in, the State of California by court order or decree of distribution, if such real property is held in the name of the Unclaimed Property Fund under the provisions of this title, whether or not such real property has permanently escheated to the State.

Exception

This section does not apply to the disposition of tax-deeded lands under Chapter 7, 8 or 9 of Part 6 of Division 1 of the Revenue and Taxation Code.

SEC. 1.5. Section 1373 of said code is amended to read:

Notice of sale, lease

1373. The Controller may lease or sell any real property for cash at public auction to the highest bidder.

Before such sale or lease, notice thereof shall be published pursuant to Government Code Section 6064 in a newspaper published in the county in which the real property is situated, or in an adjoining county, if there is no newspaper published in such county. The notice is sufficient for all the purposes of such lease or sale if the real property is described sufficiently to identify it. The cost of publication shall be a charge against the proceeds of the lease or sale, or, if the lease or sale is not consummated, such cost shall be a legal charge against the appropriation for official advertising.

Enacted for clarification

SEC. 2. The Legislature hereby declares that the provisions of Section 1382 of the Code of Civil Procedure, as added by this act, do not constitute a change in existing law, but are enacted in order to clarify the legislative intent in enacting the provisions of Article 3 of Chapter 4 of Title 10 of Part 3 of the Code of Civil Procedure, as said provisions exist on the effective date of said section.

CHAPTER 282

An act to add Section 9.5 to the Metropolitan Water District Act, relating to metropolitan water districts and annexations thereto of corporate areas of municipalities as defined in paragraph (a) of Section 9 of said Metropolitan Water District Act, and exclusions of territory from such municipalities

resulting from annexations of such territory therein to certain types of cities within metropolitan water districts, declaring severability of the provisions of this act, declaring the urgency thereof, to take immediate effect.

In effect immediately

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 9.5 is added to the act cited in the title hereof, to read:

Definitions applicable

SEC. 9.5. (a) Notwithstanding the limitations contained in paragraph (b) of Section 2 of this act, for the purposes of this Section 9.5 the definitions contained in paragraph (a) of Section 9 of this act shall apply to the terms used in this Section 9.5.

Annexation of municipal territory

(b) The governing body of any municipality may declare its intention to apply to the board of directors of any metropolitan water district for consent to annex to such metropolitan water district the corporate area of such municipality as such corporate area exists at the time of making such declaration of intention or as such corporate area will exist upon the conclusion of proceedings referred to in paragraph (c) of this Section 9.5 for the annexation to any city of territory within such municipality in a manner that would result in automatic annexation of such territory to such metropolitan water district upon the consummation of the annexation of such territory to such city. Except as provided in paragraph (c) of this Section 9.5, whenever the governing body of any municipality shall make such declaration of intention and shall file a certified copy thereof with the board of directors of such metropolitan water district, any territory lying within such corporate area of such municipality so proposed to be annexed as stated in such declaration of intention shall not be annexed to such metropolitan water district except as a part of the corporate area of such municipality, until such time as the limitations prescribed in this Section 9.5 shall have ceased to be operative. If any proceedings referred to in paragraph (c) of this Section 9.5 shall fail to result in the annexation of territory within such municipality to the city conducting such proceedings, the declaration of intention so made and filed by such municipality shall be deemed to relate to the corporate area of such municipality, including the territory for which annexation to such city shall have so failed.

Same

(c) If, prior to the making and filing of the declaration of intention in the manner provided in paragraph (b) of this Section 9.5, a valid petition shall have been filed with the governing body of a city, the corporate area of which shall be included in such metropolitan water district in a manner which except for the limitations prescribed in this Section 9.5 would result in automatic annexation to such metropolitan water district of territory annexed to such city, and such petition shall pray for the annexation to such city of territory within such

municipality, the governing body so declaring its intention shall not apply to the board of directors of such metropolitan water district for consent to the proposed annexation of the corporate area of such municipality until such proceedings for the annexation to such city of the territory within such municipality shall have been completed or terminated. Such annexation of any such territory to such city in manner resulting in automatic annexation thereof to such metropolitan water district shall also, without other proceedings, result in the exclusion of such territory from such municipality, such exclusion to be effective concurrently with the annexation of such territory to such city and to such metropolitan water district: provided, that the taxable property within such excluded area shall continue taxable by such municipality to the same extent and in the same manner and for the same purposes as though such area had been excluded pursuant to proceedings conducted therefor in the manner and form provided by the organic law governing such municipality and the exclusion of territory therefrom. If any proceedings referred to in this paragraph (c) shall fail to result in the annexation to such city of territory within such municipality, upon the termination of such unsuccessful city proceedings the governing body of such municipality may apply to the board of directors of such metropolitan water district for consent to annex thereto the corporate area of such municipality, including the territory for which annexation to such city shall have so failed

(d) If the governing body of such municipality previously shall have made and filed its declaration of intention in the manner provided in paragraph (b) of this Section 9.5, the formal application to the board of directors of such metropolitan water district for consent to annex such corporate area shall be made and filed with such board of directors not later than thirty (30) days from the date of completion or termination of all proceedings referred to in paragraph (c) of this Section 9.5 for the annexation of territory within such municipality to a city in such manner that if the annexation to the city be consummated the territory automatically would be annexed to such metropolitan water district and would be excluded from such municipality.

Application

(e) In the event that application shall be made, within the time herein prescribed, by the governing body of a municipality to the board of directors of a metropolitan water district, for consent to annex the corporate area of such municipality to such metropolitan water district, such application shall be granted or denied by the board of directors of such metropolitan water district within three (3) months from the date such application is filed with such board of directors. Failure of such board of directors to grant such application within the period prescribed shall constitute denial of the application.

Approval by municipal governing body

(f) The governing body of such municipality, within thirty (30) days from the date upon which such application shall

have been granted by the board of directors of such metropolitan water district, shall approve or disapprove such annexation subject to the terms and conditions fixed by the board of directors of such metropolitan water district in granting such consent. If such annexation be so approved, the governing body of such municipality, within said period of thirty (30) days, shall call, and order to be held, an election within the corporate area of such municipality for the purpose of submitting to the qualified electors of such municipality the proposition of annexing such corporate area to such metropolitan water district, subject to the terms and conditions so fixed by the board of directors of such metropolitan water district. Such election shall be called and ordered to be held on a suitable date not later than three (3) months from the date on which it is so called by such governing body. Failure of such governing body to call such election within the period prescribed shall constitute disapproval by such governing body of the proposed annexation.

Election

(g) Except as otherwise expressly provided in this Section 9.5, the proceedings for the annexation of the corporate area of such municipality to such metropolitan water district shall be conducted in accordance with the provisions of paragraph (c) of Section 9 of this act and the annexation election shall be conducted and the returns thereof canvassed in the manner provided by law for elections in such municipality. In the event that the proposition for such annexation shall receive the affirmative vote of a majority of electors of such municipality voting thereon at such election, the results shall be certified and all documents filed in the manner provided in said paragraph (c) of Section 9 of this act by a date not later than sixty (60) days from the date of the holding of such election.

Completion of annexation

(h) Upon successful completion, in accordance with the provisions of this Section 9.5 and of paragraph (c) of Section 9 of this act, of the proceedings for annexation of the corporate area of such municipality to such metropolitan water district, all territory comprised within the corporate area of such municipality at the time of the filing with the board of directors of such metropolitan water district of the application by the governing body of such municipality for consent to such annexation, shall become a part of such metropolitan water district as a part of the corporate area of such municipality. Nothing herein contained shall prevent the annexation of any such territory to any city irrespective of the fact that the corporate area of such city may be a part of such metropolitan water district in a manner which except for the limitations prescribed in this Section 9.5 would result in automatic annexation to such metropolitan water district of territory annexed to such city. Nothing contained in this Section 9.5 shall authorize the annexation to a metropolitan water district, as a separate unit, of less than the entire corporate area of a municipality.

Failure of annexation

(i) In the event that the proceedings to annex the corporate area of such municipality to such metropolitan water district

shall fail to result in the consummation of such annexation, the governing body of such municipality which shall have filed its declaration of intention in the manner hereinabove provided, immediately shall file with the Secretary of State evidence of the failure of such annexation proceedings. Upon the filing of such evidence in the Office of the Secretary of State any territory then within such municipality which theretofore shall have been annexed to any city, the corporate area of which shall be included in such metropolitan water district in a manner which except for the limitations prescribed in this Section 9.5 would have resulted in automatic annexation to such metropolitan water district of such territory concurrently with its annexation to such city, shall become, and be, a part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of such metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and such annexation shall be deemed to have occurred in accordance with the provisions of paragraph (b) of Section 9 of this act, except for the effective date of such automatic annexation, which shall be the date of filing in the Office of the Secretary of State of the evidence of failure of the proceedings for the annexation of the corporate area of such municipality to such metropolitan water district. Any such territory thereafter annexed to any such city, subject to the limitations prescribed in this Section 9.5 in the event that new proceedings shall be instituted under the provisions hereof, shall become, and be, a part of such metropolitan water district at the time, in the manner, and with the effect prescribed in said paragraph (b) of Section 9 of this act.

Formal application for consent to annex territory to district

(j) Notwithstanding any provision contained in this Section 9.5, the governing body of any municipality, in the manner provided in paragraph (c) of Section 9 of this act, may apply to the board of directors of a metropolitan water district for consent to annex to such metropolitan water district the corporate area of such municipality without first having declared its intention to make such application. If such prior declaration of intention be not made and filed, upon making formal application for consent to such annexation, in the manner provided in said paragraph (c) of Section 9 of this act, any territory lying within such corporate area of such municipality so proposed to be annexed thereafter shall not be annexed to such metropolitan water district except as a part of the corporate area of such municipality until such time as the limitations prescribed in this Section 9.5 shall have ceased to be operative. If, prior to the making and filing of such formal application, a valid petition shall have been filed with the governing body of a city for annexation thereto of territory within such municipality in a manner which except for the limitations prescribed in this Section 9.5 would result in automatic annexation to such metropolitan water district of territory annexed to such city, then such formal application shall not be made by the gov-

erning body of such municipality until such proceedings for the annexation to such city of the territory within such municipality shall have been completed or terminated. The filing of such formal application for consent to such annexation shall have the same effect as though such formal application for such consent were filed pursuant to a prior declaration of intention made and filed in accordance with the provisions of this Section 9.5 and effective as of the time of filing such formal application.

Severability clause

SEC. 2. If any section, subsection, subdivision, sentence, clause or phrase of this act, or of the act or acts of which this act is amendatory or supplemental, 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, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of this act, or that any one or more sections, subsections, subdivisions, sentences, clauses or phrases of the act or acts of which this act is amendatory or supplemental, be declared unconstitutional. If any section, subsection, subdivision, sentence, clause or phrase of this act for any reason be held to be unconstitutional and such unconstitutional provision shall have purported to repeal or amend any provision of the act or acts of which this act is amendatory or supplemental, the provision existing and in force at the time of the enactment of this act shall remain and be in full force and effect notwithstanding such purported repeal or amendment.

Urgency

SEC. 3. 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 therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The inhabitants of a substantial portion of the County of Los Angeles, in the southern part of this State, are in dire need of obtaining immediately an adequate supply of water for domestic and municipal use, and for this purpose have formed Central Basin Municipal Water District, a district duly organized and existing under the Municipal Water District Act of 1911 of this State; the supply of water so urgently needed for domestic and municipal use by said inhabitants can be obtained from The Metropolitan Water District of Southern California, a district duly organized and existing under the Metropolitan Water District Act of this State, which act is sought to be amended by the within and foregoing act, but arrangements for obtaining said water by said inhabitants are dependent upon the annexation of said Central Basin Municipal Water District to said The Metropolitan Water District of Southern California; this cannot be brought about effectually unless and until the amendments to the Metropolitan Water District Act provided by the within and foregoing amendatory act shall have become effective.

CHAPTER 283

An act to codify Chapter 296 of the Statutes of 1939, Chapter 1173 of the Statutes of 1951 and the Wildlife Conservation Act of 1947, by repealing said chapters and act and adding Division 6 to the Fish and Game Code, relating to wild life conservation, propagation, management and utilization and recreational facilities connected therewith.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Division 6 is added to the Fish and Game Code, to read:

DIVISION 6. WILD LIFE CONSERVATION

CHAPTER 1. ACCEPTANCE OF FEDERAL ACTS

Article 1. Wild Life Restoration and Management

Assent to congressional acts Wildlife-restoration

1420. The State of California hereby assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public Law 415, Seventy-fifth Congress), and the commission shall perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated thereunder; and no funds accruing to the State of California from license fees paid by hunters shall be diverted for any other purpose than the administration of the Department of Fish and Game and for the protection, propagation, preservation, and investigation of fish and game.

Article 2. Fish Restoration and Management

Fish restoration

1425. The State of California hereby assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950 (Public Law 681, Eighty-first Congress), and the commission may perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated thereunder; and no funds accruing to the State of California from license fees paid by fishermen shall be diverted for any other purpose than the administration of the Department of Fish and Game and for the protection, propagation, preservation, and investigation of fish and game.

CHAPTER 2. WILDLIFE CONSERVATION ACT OF 1947

Article 1. General Provisions

Short title

1450. This chapter shall be known as the Wildlife Conservation Act of 1947.

Declaration of policy, purposes, etc

1451. It is hereby declared that the preservation, protection and restoration of wild life within the State of California is an inseparable part of providing adequate recreation for our people in the interest of public welfare; and it is further declared to be the policy of the State to acquire and restore to the highest possible level, and maintain in a state of high productivity those areas that can be most successfully used to sustain wild life and which will provide adequate and suitable recreation. To carry out said purposes, a single and coordinated program for the acquisition of lands and facilities suitable for recreational purposes and adaptable for conservation, propagation and utilization of the fish and game resources of the State is established.

Article 2. The Wildlife Conservation Board

Wildlife Conservation Board

1455. There is in the Department of Fish and Game the Wildlife Conservation Board, hereafter referred to as the board. The board consists of the President of the Fish and Game Commission, the Director of the Department of Fish and Game, and the Director of Finance.

Chairman elected

1456. The chairman of the board shall be elected by the members of the board.

Expenses

1457. The members of the board shall receive their actual and necessary traveling expenses, which shall be paid from the Wildlife Restoration Fund.

Members of Legislature

1458. Three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof, shall meet with the board and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

Interim investigating committee

1459. For the purposes of this chapter, said Members of the Legislature shall 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.

Article 3. Powers and Purposes

Investigations studies, etc

1465. The board shall investigate, study and determine what areas within the State are most essential and suitable for wild life production and preservation, and that will provide suitable recreation; and shall ascertain and determine what lands within the State are suitable for game propagation, game refuges, bird refuges, waterfowl refuges, game farms, fish hatcheries, game management areas, and what streams and lakes are suitable for, or can be made suitable for, fishing, hunting, and shooting.

1466. The board shall also ascertain what lands are suitable for providing cover for the propagation and rearing in a wild state of waterfowl, shore birds, and upland birds and the possibilities of acquiring easements on such lands to provide such cover.

1467. As a result of such studies the board shall determine what areas, lands, or rights in lands or waters should be acquired by the State in order to effectuate a coordinated and balanced program resulting in the maximum revival of wild life in the State and in the maximum recreational advantages to the people of the State. Acquisitions determined

1468. The board shall authorize the acquisition of such lands, rights in land, water, or water rights as may be necessary to carry out the purposes of this chapter The board may authorize such acquisition by the department but the department shall not acquire any of such property by eminent domain proceedings. The board may authorize such acquisition by the State Public Works Board which is hereby empowered to effect such acquisitions pursuant to the Property Acquisition Act. Acquisitions authorized

1469. The department shall, when authorized by the board, construct in accordance with law such facilities as are suitable for the purpose for which the lands or rights in land or water, or water rights were acquired. Each completed unit of the program shall be managed and maintained by the department. Construction of facilities

1470. Each recreational area shall be so managed and controlled that the public shall have access thereto and use thereof for all recreational purposes. Recreational areas

1471. The money in the Wildlife Restoration Fund is available for expenditure under any provision of this article. Expenditure of Wildlife Restoration Fund

Article 4. Cooperation with United States

1475. The board may act either independently or may cooperate with the United States Fish and Wildlife Service, Department of Interior, or any other federal agency in determining any of the questions referred to in this chapter, or in the acquisition and construction of any of the projects mentioned in this chapter. Cooperation with United States

SEC. 2. Chapter 296 of the Statutes of 1939, Chapter 1173 of the Statutes of 1951 and the Wildlife Conservation Act of 1947 (Chapter 1325 of the Statutes of 1947) are repealed Repeals

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CHAPTER 284

An act to amend Section 9355 of the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.] In effect September 9, 1953

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

SECTION 1. Section 9355 of the Government Code is amended to read:

Filing of election to become member

9355. Every legislator in office on the effective date of the Statutes of 1953 may file with the board at any time prior to January 1, 1954, a written election to become a member of this system. Every legislator elected thereafter may file such an election within 90 days after the commencement of the first term of office for which he is elected. Upon the filing of the election he becomes a member of this system on the first day of the month following the filing of the election.

All elections heretofore filed by the board, or offered to the board for filing, and every written statement to the board of a legislator by which he has indicated his intention to become a member of this system, whether filed by the board or refused filing, is hereby validated and shall be deemed a full compliance with this section.

CHAPTER 285

An act to amend Section 6a of the Alcoholic Beverage Control Act (Chapter 330, Statutes of 1935), and to amend Section 24440 of the Business and Professions Code, relating to the sale of beer to instrumentalities of the armed forces of the United States, to take effect immediately.

In effect immediately

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 6a of the Alcoholic Beverage Control Act (Chapter 330, Statutes of 1935) is amended to read:

Exemptions from beer tax

Sec. 6a. No tax shall be imposed upon the sale of beer by licensed beer manufacturers or beer wholesalers to the following listed instrumentalities of the armed forces of the United States organized under Army, Air Force, or Navy regulations and located upon territory within the geographical boundaries of the State:

(a) Army, Air Force, and Navy exchanges.

(b) Officers', noncommissioned officers', and enlisted men's clubs or messes.

If any manufacturer or wholesaler has paid such tax on beer thereafter sold to an instrumentality of the armed forces so located, the taxpayer who has paid the excise tax on such beer may claim and shall be allowed credit with respect to such tax so paid in any report filed or assessment paid under this act.

SEC. 2. Section 24440 of the Business and Professions Code is amended to read:

24440. No tax shall be imposed upon the sale of beer by licensed beer manufacturers or beer wholesalers to the following listed instrumentalities of the armed forces of the United States organized under Army, Air Force, or Navy regulations

and located upon territory within the geographical boundaries of the State:

(a) Army, Air Force, and Navy exchanges.

(b) Officers', noncommissioned officers', and enlisted men's clubs or messes.

If any manufacturer or wholesaler has paid the tax on beer thereafter sold to an instrumentality of the armed forces so located, the taxpayer may claim and shall be allowed credit with respect to the tax so paid in any report filed or assessment paid under this division.

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. Section 2 of this act becomes operative only if Division 9 of the Business and Professions Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Division 9 takes effect, at which time Section 6a of the Alcoholic Beverage Control Act amended by this act is repealed. Effect Stats 1953, Ch 152

CHAPTER 286

An act to amend Sections 3 and 5 of Chapter 14 of the 1952 Second Extraordinary Session, relating to the emergency use of prison labor in earthquake areas, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1953. Filed with Secretary of State April 20, 1953.] In effect immediately

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

SECTION 1. Section 5 of Chapter 14 of the Second Extraordinary Session of 1952 is amended to read:

SEC 5 This act shall terminate on December 31, 1953. Termination date

SEC. 1 3. Section 3 of said act is amended to read:

SEC. 3. The Director of Corrections shall provide for the rental of necessary equipment and for the transportation, 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 prisoners 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. Feeding, housing, etc, of prisoners

SEC. 1.5. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to carry out the purposes of the act cited in the title hereof and re-enacted by Section 1 hereof, in lieu of the appropriation made by Section 4 of said act, which section is hereby repealed. Appropriation

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

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

The condition of public and private buildings damaged by the recent earthquakes, and the great likelihood of more earthquakes in the very near future, continue to constitute a serious threat to the peace and safety of the residents of the affected areas unless immediate steps are taken, and continued to be authorized to remove the debris. It is therefore necessary that this act take effect immediately in order to continue Chapter 14 of the Second Extraordinary Session in effect, so that all available manpower in the State can be utilized in the interests of public safety for the protection of residents of the earthquake areas.

CHAPTER 287

An act to amend Section 2 of the Fish and Game Code, relating to the enforcement and administration of the laws relating to fish and game.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 2 of the Fish and Game Code is amended to read:

2. As used in this code:

Definitions

a. "Person" includes association, partnership, and corporation.

b. "Department" means Department of Fish and Game.

c. "Commission" means the Fish and Game Commission and "commissioner" means a member of the Fish and Game Commission.

d. "District" means fish and game district.

e. "Take" means hunt, pursue, catch, capture, kill, or possess, or attempt to hunt, pursue, catch, capture, kill, or possess.

f. "Bird" means wild bird or meat thereof.

g. "Mammal" means wild or feral mammal or meat thereof except any wild, feral, or undomesticated burro.

h. "Fish" means fish, mollusks, crustaceans, or amphibia, including the spawn or ova thereof, whole or parts thereof.

i. "Kelp" means kelp or other marine aquatic plants and the seeds thereof.

j. "Bag limit" means the maximum limit, in number or amount of birds, mammals, fish, mollusks, or crustaceans, or amphibia which may lawfully be taken by any one person during a specified period of time.

k. "Open season" means that period of time during which the taking of birds, mammals, fish, mollusks, crustaceans, or amphibia is allowed. Same

l. "Closed season" means that period of time during which the taking of birds, mammals, fish, mollusks, crustaceans, or amphibia is prohibited.

m. "Transport" includes offer or receive for transportation.

n. "Sell" includes offer for sale, possess for sale, barter, exchange, and trade.

o. "Day" means calendar day, and "week" means calendar week.

p. Whenever in this code the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified. The first date specified designates the first day of the period, and the second day specified designates the last day of the period. No period of time specified in this code exceeds one year unless otherwise expressly provided.

q. "Section" means a section of this code unless some other statute is expressly mentioned.

r. "Chumming" means the placing in the water of fish, parts of fish, or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.

s. "Angling" means the taking of, or attempting to take, fish by hook and line with the line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand, or closely attended, in such manner that the fish voluntarily takes the bait or lure in its mouth.

t. "Set line" means any line, including trawl lines, with a hook or hooks attached thereto which is used to take or attempt to take fish otherwise than by angling.

u. "Hook" or "fishhook" means an implement to catch or hold fish, mollusks, crustaceans, or amphibia. "Single hook" means any hook with one point and with or without a barb; "double hook" means any hook with two points and with or without barbs; "treble or triple hook" means any hook with three points and with or without barbs. "Snag" or "gaff" hooks are hooks with or without handles used to take fish in such manner that the fish does not take the hook voluntarily in its mouth.

v. "Resident" means any person who is a citizen of the United States and who has resided continuously in the State of California for six months or more prior to the date of his application for a license or a permit.

w. "Nonresident" means any person who is a citizen of the United States and who has not resided continuously in the State of California for six months prior to the date of his application for a license or permit.

CHAPTER 288

An act to add Section 1176.7 to the Insurance Code, relating to the authority of insurers to take purchase money mortgages or deeds of trust.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 1176.7 is added to the Insurance Code, to read:

Exemptions

1176.7. None of the provisions of the Insurance Code limiting or restricting loans by insurers or prescribing the security therefor shall apply to any notes or bonds secured by purchase money mortgages or deeds of trust received by insurers upon the sale of real property acquired pursuant to Section 1150 of the Insurance Code.

CHAPTER 289

An act to amend Section 14455.1 of the Health and Safety Code, relating to fire protection districts.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 14455.1 of the Health and Safety Code is amended to read:

Commissioners Term, compensation, etc.

14455.1. The commissioners shall hold office at the pleasure of the board. They shall serve without compensation, but may be paid their actual and necessary traveling expenses while on the business of the district. On adoption of a resolution of the board of supervisors permitting reimbursement for travel expense and establishing maximum amounts allowable, the commissioners and employees of the district may be reimbursed for reasonable expenses, including transportation, in attending professional or vocational meetings outside the county in which the district is situated.

CHAPTER 290

An act to add Section 316.5 to the Agricultural Code, relating to inspection of vehicles used in transportation of meat.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 316.5 is added to the Agricultural Code, to read:

316.5. Every vehicle used by any establishment operating under federal, state, or municipal inspection for transporting the dressed carcasses of animals intended for human consumption, parts thereof, meats, or meat products, inspected and marked in accordance with this article shall be maintained in a clean and sanitary condition and shall be regularly inspected by inspectors stationed at the establishment in accordance with the regulations of the agency conducting the inspection in such establishments. Inspection of vehicles

CHAPTER 291

An act to add Section 5931.5 to the Elections Code, relating to war voters and providing for the termination of provisions relating thereto.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5931.5 is added to the Elections Code, to read:

5931 5. If any war voter is released from service during the 54 days prior to the election and has returned to the county of his residence and is not a registered voter, he may apply in person to the county clerk for permission to register. The clerk shall allow the elector to be registered, and allow him to vote in the next succeeding election; provided, he furnishes documentary proof he was released from service during the 54 days prior to the election. On or before the day of election the county clerk shall deliver to the precinct board the affidavits of registration of war voters registered under the provisions of this section. War voter registration upon discharge

SEC. 2. The sections added to the Elections Code by Chapter 842 of the Statutes of 1951 and by this act shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session and thereafter shall have no force or effect. While such sections are in effect they shall supersede any existing provisions which are in conflict with them, but such provisions are not repealed by them and after these sections are no longer effective shall have the same force as though these sections had not been enacted. Expiration date, etc

CHAPTER 292

An act to amend Section 6652 of the Welfare and Institutions Code, relating to charges for services furnished by the Department of Mental Hygiene.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.] In effect September 9, 1953

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

SECTION 1. Section 6652 of the Welfare and Institutions Code is amended to read:

Collection of costs and charges fo services furnished by Department of Mental Hygiene

6652. The Department of Mental Hygiene shall collect all the costs and charges mentioned in Section 6650, and shall determine and collect the charges for services rendered persons in the community mental hygiene clinics maintained by the department in accordance with schedules for such charges as set forth in the rules and regulations of the department, and may take such action as is necessary to effect their collection within or without the State. The Director of Mental Hygiene may, however, at his discretion, refuse to accept payment of charges for the care, support, and maintenance in a state hospital of any insane or mentally ill person or inebriate who is eligible for deportation by the federal immigration authorities.

CHAPTER 293

An act to amend Sections 28111, 28116, 28120, 28130, 28133, 28140, 28142, 28150, and to repeal Sections 28115 and 28148 of the Health and Safety Code, relating to cold storage.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.]

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

SECTION 1. Section 28111 of the Health and Safety Code is amended to read:

"Cold storage"

28111. "Cold storage" means a place artificially refrigerated to a temperature above zero of 45 degrees Fahrenheit or below. It does not include any such place where food which is privately owned and not held for resale is stored inside of lockers or compartments which are not more than 25 cubic feet in capacity, and which lockers or compartments are leased to private individuals for their exclusive use.

Repeal

SEC. 2. Section 28115 of the Health and Safety Code is hereby repealed.

SEC. 3. Section 28116 of the Health and Safety Code is amended to read:

Exemptions

28116. This chapter does not apply to any cold storage or refrigerating plant or warehouse which is maintained or operated by a restaurant, hotel, exclusively wholesale or retail establishment, cannery, winery, brewery, or other food processing place which is used for the storage of food and which place is owned by or is for the exclusive use of the occupant owner or maintainer thereof, and said food is not stored for other persons.

SEC. 4. Section 28120 of the Health and Safety Code is amended to read:

License

28120. Any person desiring to operate a cold storage or refrigerating warehouse for storing articles of food shall make application in writing to the board for a license for that purpose, stating the location of his plant or plants. For the purpose of securing the proper enforcement of this chapter, those buildings or structures which are served by a central refrigerating

plant shall be considered as one cold storage or refrigerating warehouse or plant, and subject to one license.

SEC. 5. Section 28130 of the Health and Safety Code is amended to read:

28130. If any place or portion of a place for which a license is issued is deemed by the board to be in an unsanitary condition, the board shall give written notification to the licensee of the condition, stating in particular the matters found to be unsanitary.

Notice of unsanitary condition

SEC. 6. Section 28133 of the Health and Safety Code is amended to read:

28133. When requested by the board or an agent thereof, any licensee shall within a reasonable time submit a report setting forth in itemized particulars the quantity of food products held by him in cold storage.

Report of quantity stored

SEC. 7. Section 28140 of the Health and Safety Code is amended to read:

28140. No storer shall place in cold storage any article of food whose keeping qualities have been impaired by disease, taint, or deterioration, or which has not been slaughtered, handled, and prepared for storage in accordance with food laws pertaining thereto and such rules and regulations as may be prescribed by the board for the sanitary preparation of food products for cold storage.

Prohibitions against storage

SEC. 8. Section 28142 of the Health and Safety Code is amended to read:

28142. Each separate lot of food, when deposited in cold storage, shall be marked plainly with the lot number covering that particular lot of articles of food indicated and recorded on the records maintained on the premises.

Marking, recording, food stored

SEC. 9. Section 28148 of the Health and Safety Code is hereby repealed.

Repeal

SEC. 10. Section 28150 of the Health and Safety Code is amended to read:

28150. Unless otherwise permitted by this article, it is unlawful to represent or advertise as fresh goods articles of food which have been placed in cold storage. This section shall not apply to vegetables, fruit or other foods sold as "fresh frozen" and so labeled, when stored at or below zero degrees Fahrenheit

Unlawful representations, advertisements Exemptions

CHAPTER 294

An act to amend Section 1953i of the Code of Civil Procedure, relating to uniform photographic copies of business and public records as evidence.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 20, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1953i of the Code of Civil Procedure is amended to read:

Reproduced record, etc., admissible as evidence

1953i. If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

CHAPTER 295

An act to amend Sections 14720.1 and 14720.2 of the Education Code, relating to school district retirement salary plans.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 14720.1 of the Education Code is amended to read:

School retirement plans Cafeteria employees

14720.1. Every employee of a school district which has adopted, or adopts, a plan for district retirement who is a member or becomes a member of said plan, shall be entitled to the benefits and be bound by the burdens of this article and shall receive full credit for his service as a school cafeteria employee rendered prior to July 1, 1945, and before he became a member of the plan to the pupils of any of the districts under the same governing board which governs the district of which he is now an employee, whether such service was paid for by the school districts or otherwise. For purposes of computing benefits for service credited as provided in this section, the average monthly salary earned by a cafeteria employee during the year 1944-45 shall be used.

SEC. 2. Section 14720.2 of said code is amended to read:

Employees of student body and school district

14720.2. Every employee of a school district which has adopted a plan for district retirement, who is or becomes a member of said plan by virtue of employment by the school district, and who is employed full time jointly by the student body and the school district, shall be entitled to the benefits and be bound by the burdens of this article and shall contribute to said district retirement plan on the basis of the total combined salary received jointly from the student body and the school district and shall receive retirement benefits

from the district retirement plan on the basis of the total of such combined salary and shall receive full credit for his service as a school student body employee and a school district employee, rendered prior to July 1, 1947, and before he became a member of the plan to the pupils of any of the districts under the same governing board which governs the district of which he is now an employee, whether such service was paid for by the school district or otherwise. For purposes of computing benefits for service rendered prior to becoming a member of said district retirement plan, the average combined monthly salary earned as a student body employee and a school district employee during the year 1946-47 shall be used.

CHAPTER 296

An act to amend Section 4733 of the Health and Safety Code, relating to the compensation of the governing bodies of sanitation districts.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4733 of the Health and Safety Code is amended to read:

Compensation of board members

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed twenty-five dollars ($25) for each meeting of the district board attended by him, not to exceed fifty dollars ($50) in any one month, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 4730 that are occupied by members of said district board.

CHAPTER 297

An act to amend Section 3208 of the Labor Code, relating to workmen's compensation.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3208 of the Labor Code is amended to read:

"Injury"

3208. "Injury" includes any injury or disease arising out of the employment, including injuries to artificial members, dentures, eyeglasses and medical braces of all types; provided,

however, that eyeglasses will not be replaced, repaired, or otherwise compensated for, unless injury to them is incident to an injury causing disability.

CHAPTER 298

An act to add Section 13831.1 to the Education Code, relating to salaries of persons employed by a school district in positions requiring certification qualifications.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 13831.1 is added to the Education Code, to read:

Payment from district funds

13831.1. If any school district fails to pay the salary of any person employed by it in a position requiring certification qualifications who has on file a contract of employment held valid by the legal adviser of the county superintendent of schools having jurisdiction over the district, such county superintendent of schools may transfer sufficient money from the funds of the district to the county school service fund and pay such salary from such fund.

CHAPTER 299

An act to add Section 34.7 to the Agricultural Code, relating to livestock and poultry disease diagnostic laboratories.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 34.7 is added to the Agricultural Code, to read:

Maintenance of diagnostic laboratories

34.7. The director shall have authority to maintain regional poultry and animal disease diagnostic laboratories for the purpose of making tests and examinations for, and diagnoses of, livestock and poultry diseases.

CHAPTER 300

An act to amend Section 11 of the Defense Production Act (Statutes 1950, Third Extraordinary Session, Chapter 33), extending the effective date of the act.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 11 of the Defense Production Act (Statutes 1950, Third Extraordinary Session 1950, Chapter 33) is amended to read:

Sec. 11. This act shall remain in effect until the ninety-first day after the final adjournment of the 1955 Regular Session of the Legislature or until the termination of the existing national defense emergency as evidenced by cessation of compulsory military service in the armed forces of the United States by citizens of this State, and as found and declared by proclamation issued by the Governor, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

Expiration date, etc.

CHAPTER 301

An act to amend Section 45 of the Elections Code, relating to the signing of petitions or papers by voters.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 45 of the Elections Code is amended to read:

45. Wherever, by the Constitution or laws of this State any initiative, referendum, recall or nominating petition or paper, or any other petition or paper, is required to be signed by voters, only a voter who is a registered qualified voter at the time he signs the petition or paper, is entitled to sign it. Each signer shall at the time of signing the petition or paper himself affix thereto his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained; provided, however, that each signer of any initiative, referendum, recall or any nominating petition or paper shall in addition to the other requirements of this section, at the time of signing the petition or paper affix thereto the date of his signing. No such petition or paper may be signed within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

Qualified signers of petitions, etc.

CHAPTER 302

An act to amend Section 180 of the Elections Code, relating to registration of electors.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 180 of the Elections Code is amended to read:

Affidavits of registration

180. The county clerk shall provide original and duplicate blank forms for the affidavits of registration, which shall be bound together in books or pads. Each original shall be attached by perforated line to a stub which contains a line for the name and spaces for the residence and precinct of the person registered. Each original, duplicate, and stub shall bear the same number. The numbering shall begin with one and continue in a sequence until all of the blanks provided are numbered. The numbering shall begin anew with each 1,000,000 affidavits of registration. Each set of numbers shall be designated alphabetically as a series, beginning with series A, following the first 1,000,000.

CHAPTER 303

An act to amend Section 3829 of the Elections Code, relating to ballot forms.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 3829 of the Elections Code is amended to read:

National elections. Ballot form

3829. In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as provided in this article, an additional instruction as follows: "To vote for all of the electors of a party, stamp a cross (+) in the square opposite the names of the presidential and vice presidential candidates of that party. A cross (+) stamped in the square opposite the name of a party and its presidential and vice presidential candidate, is a vote for all of the electors of that party, but for no other candidates," this instruction appearing immediately before the words: "To vote for a person not on the ballot."

If a group of candidates for electors has been nominated under the provisions of Chapter 3 of Division 5, and has under the provisions of Article 1 of that chapter designated the names of the candidates for President and Vice President of the United States for whom those candidates have pledged themselves to vote, then the instructions to voters shall also contain the following:

"To vote for those electors who have pledged themselves to vote for a candidate for President and Vice-President not supported by any particular party stamp a cross (+) in the square opposite the names of those presidential and vice presidential candidates."

If a group of candidates for electors has been nominated by a party not qualified to participate in the election, then the instructions to voters shall also contain the following:

"To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of

any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose."

The names of presidential and vice presidential candidates and a list of presidential electors of nonqualified political parties shall be filed with the Secretary of State at least 60 days prior to the election.

CHAPTER 304

An act to amend Section 3924 of the Elections Code, relating to ballot forms.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3924 of the Elections Code is amended to read:

3924. The names of the candidates and the respective offices shall be printed on the ballot in parallel columns, each two and one-half inches wide. The parallel columns shall be divided on the ballot for partisan and nonpartisan offices by a solid black line, extending down from the printed lines separating the instructions to voters from the list of names of candidates to the bottom margin of the ballot.

Ballot forms

CHAPTER 305

An act to amend Sections 34.6, 120, 120.5, and 121 of the Agricultural Code, relating to the commingling of nursery license, plant certification and identification record fees and the listing of nursery licensees.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 34.6 of the Agricultural Code is amended to read:

34.6. The director shall have authority to establish an identification record service for parent root and top stock of fruit and nut trees. The director shall establish a reasonable schedule of fees for such service, based upon the approximate cost thereof. Upon application of any person and the payment of the proper fees, the director shall assign to such parent stock an identifying code number and make an appropriate record of the same.

Identification record service

SEC. 2. Section 120 of said code is amended to read:

Annual license for sale of nursery stock

120. It is unlawful to sell any nursery stock without first having obtained an annual license so to do from the director. Such license for the fiscal year shall be issued to any person who sells plants at any place in the State upon receipt of payment of a minimum fee of fifteen dollars ($15), to which shall be added the sum of fifteen dollars ($15) for each branch salesyard, store or sales location owned and operated in the State as an additional fee, and the sum of fifty cents ($0.50) for each acre or portion thereof after the first acre; provided, that in no case shall the fee for such acreage exceed fifteen dollars ($15). The applicant shall further satisfy the director of his or its character and good faith in seeking to carry on the business of selling nursery stock.

Renewal

The fees for the renewal of the annual license shall be paid between the first day of April and the first day of July of each year for the fiscal year beginning July 1st of such year. Failure to pay the renewal license fee prior to the eleventh day of July of each year, for the year ensuing, shall ipso facto work a forfeiture of the right to sell nursery stock. Any person who has been previously licensed to sell nursery stock and whose right to so sell has been forfeited shall not be issued a renewal license except upon written application to the department, accompanied by a sum equal to the regular license fee or equal to any portion thereof remaining unpaid prior to said eleventh day of July in the event of a deficiency in the amount due plus a restoration fee in an amount equal to the regular license fee or in an amount equal to the said unpaid portion thereof; but no such restoration fee shall be required of any person whose application for renewal of license is accompanied by his signed statement that prior to the date of his application he has not sold any nursery stock during any part of the fiscal year for which he applies for renewal of license

Exemption

A person not regularly engaged in the nursery business, shall not be required to pay the above-mentioned fee if his sales of plants amount to less than one hundred dollars ($100) within any one fiscal year and if he has reported to the commissioner his intention to make such sales. All plants sold by him must be of his own production, and sold for planting within the county where grown.

Suspension, revocation, etc

The license may be suspended or revoked or issuance or renewal thereof refused when, after investigation and hearing, it is determined that the licensee or the applicant has wilfully refused to comply with the laws and regulations relative to nursery stock, or to any pest which might be carried by such nursery stock, or was intentionally guilty of fraud or deception in the procurement of such license, or has been guilty of fraud or misrepresentation in the handling or sale of nursery stock. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Retail florists and others who sell plants at retail for indoor decorative purposes only are exempt as to such plants from the provisions of this section.

Persons who sell seeds and who do not sell or ship any other kinds of nursery stock are exempt from the provisions of this section.

The director may publish in pamphlet form as often as he deems necessary a list of all persons licensed under the provisions of this section, together with such additional information as he deems advisable concerning the enforcement of laws and regulations pertaining to nursery stock. List of licensees

SEC. 3. Section 120.5 of said code is amended to read:

120.5. The director, for the purpose of promoting and protecting the agricultural industry of the State, may upon request inspect plants and the premises upon or near which they are growing and the records of their sources and qualities and, based upon information thus determined, may maintain registries of such plants as are found not to be infested or infected or liable to become infested or infected with pests; may certify as to the pest freedom of such plants as may have been inspected or registered or may certify as to the true pest condition thereof; may issue tags, labels or certificates in evidence of inspection or registry; may supervise or conduct any special treatments which may be necessary to insure the pest freedom of plants for propagation or planting purposes; may fix uniform fees to be charged for inspections, registrations, certifications and special treatments, which fees shall be based upon the approximate cost of the service rendered, and may establish and enforce rules and regulations necessary to carry out the purposes of this section. Any service rendered in accordance with the provisions of this section shall be paid from the Department of Agriculture Fund out of moneys derived under the provisions of this section and shall not be a charge against the General Fund of the State. Inspections, certifications, etc

The services authorized in this section shall not be duplicative of those being rendered by commissioners.

It shall be unlawful to alter, deface or misuse any statement of registry, certificate, label or tag issued in accordance with the provisions of this section.

SEC. 4. Section 121 of said code is amended to read:

121. All moneys received by the department under the provisions of Sections 34 6, 120 and 120.5 shall be paid into the State Treasury and be credited to the "Department of Agriculture Fund" Any moneys in the Department of Agriculture Fund derived under the provisions of said sections may be expended for the administration or enforcement of any or all of the provisions of said sections or of this chapter or of Chapter 9 of Division 5 of this code relating to nursery stock, notwithstanding any other provision of law limiting the expenditure of such money to some specific purpose or to the administration or enforcement of some specific section, article, chapter or law. "Department of Agriculture Fund"

CHAPTER 306

An act to amend Section 18730 of the Business and Professions Code, relating to boxing contests, and sparring or wrestling matches.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 18730 of the Business and Professions Code is amended to read:

Prohibitions

18730. Boxing contests, sparring and wrestling matches for prizes or purses, or where an admission fee is received, may be held on any day except Sunday and May 30th.

CHAPTER 307

An act to add Sections 14137.5 and 14122.3 to the Education Code, relating to school district merit systems

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 14137.5 is added to the Education Code, to read:

Hearing officer

14137.5. The commission may authorize a hearing officer or other representative to conduct any hearing or investigation which the commission itself is authorized by this article to conduct. Any such authorized person conducting such hearing or investigation may administer oaths, subpena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this State. The commission may instruct such authorized representative to present findings or recommendations. The commission may accept, reject or amend any of the findings or recommendations of the said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the commission may order.

The commission may employ by contract or as professional experts or otherwise any such hearing officers or other representatives and may adopt and amend such rules and procedures as may be necessary to effectuate this section.

SEC. 2. Section 14122.3 is added to the Education Code, to read:

Emergency appointments

14122.3. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, make appointments for a period not to exceed five working days, in accordance with commission rule.

CHAPTER 308 *

An act to establish an Unemployment Insurance Code, thereby consolidating and revising the law relating to unemployment and disability compensation, and to repeal acts and parts of acts specified therein.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

NOTE: The Unemployment Insurance Code, as prepared by the California Code Commission, consists of this chapter and Chapters 309, 310, 311, 312, and 313. Chapter 308 contains the provisions of these chapters and also contains all of the amendments to the code made during the 1953 Regular Session of the Legislature, namely by Chapters 449, 528, 659, 728, 1066, 1272, 1275, 1279, 1289, 1294, 1371, 1394, 1748, 1751, 1764, 1776, 1805, 1830, and 1883. All of the foregoing chapters are effective September 9, 1953. For approval dates see the respective chapters in their numerical sequence.

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

GENERAL PROVISIONS

Short title

1. This act is known and may be cited as the Unemployment Insurance Code.

Continuation of existing law

2. The provisions of this code insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

Pending proceedings

3. Any action or proceeding commenced before this code takes effect, or any right accrued, is not affected by this code, but all procedure taken shall conform to the provisions of this code as far as possible.

Construction

4. Unless the context otherwise requires, the general provisions hereinafter set forth govern the construction of this code.

Headings

5. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Delegation of powers

6. Whenever a power is granted to, or a duty imposed on any person or board by any provision of this code, it may be exercised or performed by any deputy or person authorized by the person or board to whom the power is granted or on whom the duty is imposed, unless it is expressly provided that the power or duty shall be exercised or performed only by the person or board to whom the power is granted or on whom the duty is imposed.

Amendments, additions

7. Whenever any reference is made to any portion of this code or of any other law, the reference applies to all amendments and additions thereto, now or hereafter made.

"Writing"

8. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, petition, permit, statement, or record is

* A cross-reference table showing the origin of each section appears in the appendix to this volume.

required by this code, it shall be made in writing in the English language.

"Section" 9. "Section" means a section of this code unless some other statute is specifically mentioned, and "subdivision" means a subdivision of the section in which the term occurs unless some other section is expressly mentioned.

Tense 10. The present tense includes the past and future tenses; and the future, the present.

Gender 11. The masculine gender includes the feminine and neuter.

Number 12. The singular number includes the plural and the plural the singular.

"City" 13. "City" includes incorporated city, city and county, municipal corporation, municipality, town and incorporated town.

"County" 14. "County" includes city and county.

"Shall" and "may" 15. "Shall" is mandatory and "may" is permissive.

"Oath" 16. "Oath" includes affirmation.

"Signature" and "subscription" 17. "Signature" or "subscription" includes mark. The mark shall be made as required in the Civil Code.

Constitutionality 18. If any provision of this code, or its application to any person or circumstance is held invalid, the remainder of the code, or the application of the provision to other persons or circumstances is not affected.

Tenure 19. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.

DIVISION 1. UNEMPLOYMENT AND DISABILITY COMPENSATION

PART 1. UNEMPLOYMENT COMPENSATION

CHAPTER 1. GENERAL PROVISIONS

Article 1. Policy and Interpretation

Public policy 100. As a guide to the interpretation and application of this division the public policy of this State is declared as follows:

Experience has shown that large numbers of the population of California do not enjoy permanent employment by reason of which their purchasing power is unstable. This is detrimental to the interests of the people of California as a whole.

The benefit to all persons resulting from public and private enterprise is realized in the final consumption of goods and services. It is contrary to public policy to permit the supply of consumption goods and services at prices which do not provide against that harm to the population consequent upon periods of unemployment of those who contribute to the production and distribution of such goods and services.

Experience has shown that private charity and local relief cannot alone prevent the effects of unemployment. Experience

has shown that if the State awaits the coming of excessive unemployment it can neither create immediately the organization necessary to orderly, economical and effective relief nor bear the financial burden of relief without disrupting its whole system of ordinary revenues and without jeopardizing its credit.

The Legislature therefore declares that in its considered judgment the public good and the general welfare of the citizens of the State require the enactment of this measure under the police power of the State, for the compulsory setting aside of funds to be used for a system of unemployment insurance providing benefits for persons unemployed through no fault of their own, and to reduce involuntary unemployment and the suffering caused thereby to a minimum.

It is the intent of the Legislature that unemployed persons claiming unemployment insurance benefits shall be required to make all reasonable effort to secure employment on their own behalf.

Part of national plan

101. This part is a part of a national plan of unemployment reserves and social security, and is enacted for the purpose of assisting in the stabilization of employment conditions. The imposition of the tax herein imposed upon California industry alone, without a corresponding tax being imposed upon all industry in the United States, would, by the corresponding penalty upon California industry, defeat the very purposes of this law as set forth in this article. Therefore when existing federal legislation which provides for a tax upon the payment of wages by employers in this State, against which all or any part of the employer contributions required under this part may be credited is repealed, amended, interpreted, affected or otherwise changed in such manner that no portion of such contributions may be thus credited, then upon the date of such change, the provisions of this part requiring employer contributions and providing for payment of unemployment compensation benefits shall cease to be operative and any assets in the Unemployment Fund or Unemployment Administration Fund shall in the discretion of the State Treasurer be held in the then existing depositaries or otherwise in the State Treasury. In the case of the Unemployment Administration Fund, such money may thereafter be dealt with by the State Treasurer pursuant to the conditions of the grant thereof to the State by the United States Government or agency thereof.

Power of Legislature

102. All the rights, privileges or immunities conferred by this division or by acts deemed pursuant thereto shall exist subject to the power of the Legislature to amend or repeal this division at any time.

(Added by Stats. 1953, Ch. 449.)

Article 2. General Definitions

Construction

125. Except where the context otherwise clearly indicates, the definitions set forth in this article shall govern the construction of the provisions of this division.

"Appeals Board"

126. "Appeals Board" means the California Unemployment Insurance Appeals Board.

"Authorized regulations"

127. "Authorized regulations" means regulations promulgated pursuant to the provisions of this division, and "regulation" includes the amendment of a regulation.

"Benefits"

128. "Benefits" means the money payments payable to an individual, pursuant to this division, with respect to his unemployment and includes either unemployment compensation benefits or disability benefits, or both.

"Calendar quarter"

129. "Calendar quarter" means the period of three consecutive calendar months ending on March 31st, June 30th, September 30th, or December 31st, or the equivalent thereof as may be prescribed by authorized regulations.

"Contingent Fund"

130. "Contingent Fund" means the Department of Employment Contingent Fund.

"Contributions"

131. "Contributions" means the money payments to the Unemployment Fund or Unemployment Compensation Disability Fund which are required by this division.

"Commission"

132. "Commission" means the California Employment Stabilization Commission.

"Department"

133. "Department" means the Department of Employment.

"Director"

134. "Director" means the Director of Employment.

"Disability fund"

134.5. "Disability fund" means the "Unemployment Compensation Disability Fund."

(Added by Stats. 1953, Ch. 1294.)

"Employing unit"

135. "Employing unit," means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has, or subsequent to January 1, 1936, had, in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this division.

"Federal Unemployment Tax Act"

136. "Federal Unemployment Tax Act" means subsection C of Chapter 9 of the Federal Internal Revenue Code, or the corresponding provisions of any other federal act into which such provisions may hereafter be incorporated

"Public employment office"

137. "Public employment office" means a free public employment office or branch thereof operated by this State or maintained as a part of a state-controlled system of public employment offices.

"Social Security Board"

138. "Social Security Board" means the Social Security Board established by the Social Security Act or any other person or agency to whom the functions vested in the Social Security Board by the Social Security Act are transferred.

"State"

139 "State" includes Alaska, Hawaii, and the District of Columbia, as well as each of the states of the United States.

140. "Unemployment compensation benefits" refers to benefits payable under Part 1 of this division. "Unemployment compensation benefits"

140.5. "Unemployment compensation disability benefits" or "disability benefits" refers to money payments payable under Part 2 of this division to an eligible unemployed individual with respect to his wage losses due to unemployment as a result of illness or other disability resulting in such individual being unavailable or unable to work due to such illness or disability. "Unemployment compensation disability benefits"

(Added by Stats. 1953, Ch. 1294.)

141. "Unemployment insurance" wherever it appears in this division means "unemployment compensation." "Unemployment insurance"

142. "Unemployment Trust Fund" means the Unemployment Trust Fund established and maintained pursuant to Section 904 of the Federal Social Security Act as amended. "Unemployment Trust Fund"

143. "Week" means a period of seven consecutive days as prescribed by authorized regulation. Such regulation may prescribe that a week shall be deemed to be "in," "within," or "during" that benefit year which includes the greater part of such week. "Week"

144. "Worker contributions," "contributions by workers," "employee contributions," or "contributions by employees" mean contributions to the Disability Fund. "Worker contributions," etc

CHAPTER 2. ADMINISTRATION

Article 1. Department of Employment

301. There is in the State Government the Department of Employment The provisions of this division shall be administered by an executive officer known as Director of Employment. Department of Employment

(Amended by Stats. 1953, Ch. 449.)

[ORIGINAL SECTION]

301. There is in the State Government the Department of Employment. The department is under the control of, and the provisions of this division shall be administered by an executive officer known as Director of Employment.

302. The director shall be appointed by the Governor, subject to the approval of the Senate, and shall serve as director at the pleasure of the Governor. The annual salary of the director shall be as provided for by Chapter 6 of Part 1, Division 3, Title 2 of the Government Code. Director

The director shall act as chairman of the commission and shall serve as chief of such division as may be designated by the Governor.

(Amended by Stats 1953, Ch. 1764.)

[ORIGINAL SECTION]

302 The director shall be appointed by the Governor, subject to the approval of the Senate, from the membership of the commission, and shall serve as director at the pleasure of the Governor and without additional compensation.

303. There shall be a deputy director who shall be appointed by the Governor subject to the approval of the Senate. The Deputy director

deputy director shall serve as chief of such division as may be designated by the Governor. The annual salary of the deputy director shall be as provided for by Chapter 6 of Part 1, Division 3, Title 2 of the Government Code.

(Amended by Stats. 1953, Ch. 1764.)

[ORIGINAL SECTION]

303. The director shall act as chairman of the commission.

Powers of director

304. The director shall exercise all powers and jurisdiction, assume and discharge all responsibilities and carry out and effect all purposes vested by law in the commission, and wherever in this division the term "commission" is used it shall be construed to mean "director" or the "department" as the context requires except that the powers, duties, and responsibilities provided in Sections 352, 353, 354, 981, and 2604 of this code are retained in the commission and shall be exercised by a majority of its members in meetings open to the public

Regulations

305. Regulations for the administration of this division shall be adopted or repealed as provided in this article.

Formulation, etc

306. The director shall in the first instance formulate or repeal regulations.

Effective date

307. A proposed regulation or the repeal of a regulation shall become effective 10 days after filing with the Secretary of State and publishing in one or more newspapers of general circulation in this State, unless an appeal is taken to the Appeals Board as provided in this article.

Public hearing

308. Prior to the filing of a regulation or notice of repeal of a regulation with the Secretary of State the director shall hold a public hearing, of which proper notice has been given, at which any persons interested shall have an opportunity to be heard.

Opposition hearing

309. Any person who opposes a proposed regulation or the repeal of a regulation at a hearing held for that purpose, may request a hearing before the Appeals Board. If a hearing is requested the matter shall be heard by the Appeals Board within 30 days from the date of the request, and the proposed regulation or repeal of a regulation shall not become effective until and unless the Appeals Board has finally approved it. Upon approval notice shall be given by the Appeals Board and the regulation or the repeal shall become effective in the same manner and after the same period as provided in Section 307.

Retroactive effect

310. The director or the department may prescribe the extent, if any, to which any rule, regulation or interpretation issued or promulgated in accordance with the provisions of this division shall be applied without retroactive effect.

Appointment of assistants

311. The director shall appoint such assistants except personnel of the Appeals Division as he finds necessary for the administration of this division, subject to the provisions of the Government Code, and may delegate to any of the officers or employees of the department such powers and duties as he considers necessary for the proper administration of this division.

The director and his authorized representatives in the enforcement of the division shall have all the powers of a head of a department as set forth in Article 2, of Chapter 2, Part 1, Division 3, Title 2 of the Government Code. For the purpose of any investigation, hearing, or proceeding under this division, the director may delegate his power in relation thereto to any deputy, or other person properly authorized in writing by him.

(Amended by Stats. 1953, Ch 1294.)

[ORIGINAL SECTION]

311 The director shall appoint such assistance except personnel of the Appeals Division as he finds necessary for the administration of this division, subject to the provisions of the Government Code, and may delegate to any of the officers or employees of the department such powers and duties as he considers necessary for the proper administration of this division.

NOTE. This section was also amended by Stats 1953, Ch 449, as follows:

311 The director shall appoint such assistants except personnel of the Appeals Division as he finds necessary for the administration of this division, subject to the provisions of the Government Code, and may delegate to any of the officers or employees of the department such powers and duties as he considers necessary for the proper administration of this division.

312 Each officer and employee of the department whose duties include the handling of property or funds shall execute to the State of California an official bond conditioned upon the faithful performance of his duties in such amount as the Director of Finance shall fix. Bond

313. The work and functions of the department shall be segregated and allotted according to their nature into divisions. One division shall be designated the Appeals Division, one shall be designated the Division of Public Employment Offices and Benefit Payments, and one shall be designated the Division of Accounts and Tax Collections There shall be such other divisions as the director may determine that the exigencies and nature of the work of the department require. Divisions

314. Repealed by Stats 1953, Ch 1764.

[ORIGINAL SECTION]

314 The Division of Public Employment Offices and Benefit Payments, and the Division of Accounts and Tax Collections each shall be under a chief who shall be appointed by the Governor, subject to the approval of the Senate, and who shall serve at the pleasure of the Governor. The chief of each of these two divisions shall devote his full time to the performance of his duties as chief of a division and shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

315. The Appeals Division includes the Appeals Board and its clerical staff and assistants and the referees and their supervisors and clerical staff and assistants. Appeals Division

316. There shall be maintained within an appropriate division of the department, a bureau, section or unit relating to education and public instruction for the purpose of informing Education and public instruction

employers and workers of their rights and responsibilities under this division, and of instructing the public generally concerning its basic purposes, provisions and operations.

Investigating staff

317. The director shall maintain a field investigating staff, whose function shall embrace investigation throughout the State of violations of this division, to the end that its provisions are more adequately and strictly enforced.

(Amended by Stats. 1953, Ch. 1275.)

[ORIGINAL SECTION]

317. There shall be maintained within the Division of Public Employment Offices and Benefit Payments a field investigating staff, whose function shall embrace investigation throughout the State of violations of this division, to the end that its provisions are more adequately and strictly enforced.

Contracts, budgets, etc.

318. The director shall comply with all applicable provisions of the Government Code relating to contracts, budgets and other fiscal matters, including Sections 13320 to 13324, inclusive, of that code, in the same manner and to the same extent as other state agencies, insofar as such provisions are not inconsistent with the provisions of the Social Security Act and the rules and regulations of the Social Security Board.

Quarterly financial abstract

319. The director shall, as soon as practicable after the end of each calendar quarter, file with the Governor, the Department of Finance, and the Controller an abstract or statement showing the resources and liabilities and a summary statement of the transactions affecting any of the funds maintained pursuant to this part and the various accounts thereof. The Department of Finance shall audit such abstracts and statements. Any expenses incurred by the Department of Finance in auditing and publishing such reports shall be paid for out of money granted to this State for this purpose by the Social Security Board.

Additional reports

320. The director shall make such reports in such form and containing such information as the Bureau of Employment Security, United States Department of Labor, may from time to time require, and shall comply with such provisions as the bureau may from time to time find necessary to assure the correctness and verification of such reports.

Information to United States

321. The director shall make available, upon request, to any agency of the United States Government charged with the administration of public works or assistance through public employment, the following information relating to recipients of unemployment compensation:

(a) The recipient's name

(b) The recipient's address.

(c) The ordinary occupation and employment status of each such recipient of unemployment benefits.

(d) A statement of such recipient's rights to further compensation under this division.

322. The department may exchange information with other governmental departments and agencies, both federal and state, which are concerned with the administration of unemployment insurance, or the collection of taxes which may be used to finance the administration of unemployment insurance, or the relief of unemployed or destitute individuals, or legislation concerning, regulating, or in any manner affecting the obligations arising out of an employer-employee relation, and with such other departments or agencies of government as the department deems necessary or desirable for the proper administration of this division in accordance with authorized regulations. Information exchanges

323. The director may apply for an advance to the Unemployment Fund and accept the responsibility for the repayment of such advance in accordance with the conditions specified in Title XII of the Social Security Act, as amended, to secure to this State and its citizens the advantages available under the provisions of that title. Advances to Unemployment Fund

324. The expense of the administration of this division shall be paid out of the Unemployment Administration Fund, unless otherwise provided for in this division Administration expense

Article 2. California Employment Stabilization Commission

351. There is in the State Government the California Employment Stabilization Commission consisting of five members, who shall be the three members of the Appeals Board and the Chief of the Division of Public Employment Offices and Benefit Payments and the Chief of the Division of Accounts and Tax Collections. California Employment Stabilization Commission

352. (a) The commission may study and make recommendations as to action which might tend to: Powers

(1) Promote the prevention of unemployment and the stabilization of employment.

(2) Encourage and assist in the adoption of practical methods of vocational training, retraining and guidance.

(3) Promote the establishment and operation by governmental units and agencies of reserves for public work to be prosecuted in times of business depression and unemployment.

(4) Promote the re-employment of unemployed workers throughout the State in any way that may seem feasible.

(5) Reduce and prevent unemployment.

(6) Establish the most effective methods of providing economic security through all forms of social insurance

(b) To accomplish the ends set forth in subdivision (a) of this section, the commission may carry on and publish the results of investigations and research studies.

353 The commission shall investigate and report upon the degree of unemployment hazard in various industries and Investigations, reports etc

occupations and their cost to the Unemployment Fund. It shall recommend to employers in industries or occupations showing an excessive cost to that fund, means for stabilizing employment. It shall also, if necessary, recommend to the Legislature a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic.

Reduction or cessation of payments

354. Whenever the commission determines that, in view of existing or probable future conditions, the condition of the Unemployment Fund is such that, within six months it will be unable to pay probable unemployment compensation benefit liabilities in full, it may, by regulation, reduce or cease payment of such liabilities. The reduction or cessation shall continue until changed by regulation adopted by the commission resuming full payment or otherwise changing the payment.

Article 3. California Unemployment Insurance Appeals Board

California Unemployment Insurance Appeals Board

401. There is in the Department of Employment the California Unemployment Insurance Appeals Board, consisting of three members appointed by the Governor, subject to the approval of the Senate. Each member of the board shall devote his full time to the performance of his duties and shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code

Terms

402. Each member of the Appeals Board shall serve for a term of four years and until his successor is appointed and qualifies. The members in office at the time this section takes effect shall serve as follows: one member until January 1, 1955, one member until May 1, 1956, and one member until September 1, 1957.

A vacancy shall be filled by the Governor, subject to the approval of the Senate, by appointment for the unexpired term.

Appeals Division personnel

403. All personnel of the Appeals Division shall be appointed, directed and controlled only by the Appeals Board or its authorized deputies or agents to whom it may delegate such powers. Operations of the Appeals Division shall be subject to the same fiscal controls and audits by the director as other subdivisions of the department. The director shall furnish the equipment, supplies, housing and nonpersonal and housekeeping services necessary to the operations of the Appeals Division and shall perform such other mechanics of administration as the Appeals Board and the director may agree upon.

Appointment, etc., of referees

404. To hear and decide appealed claims, the Appeals Board, or the executive officer subject to its direction and control to whom it delegates such responsibility, shall appoint and direct the activities of one or more impartial referees. The compensation of the referees shall be fixed by the State Personnel Board at a rate comparable to that of other referees or hearing officers in state service whose duties and responsibilities are comparable, without regard to whether such other positions

have membership in the State Bar of California as a prerequisite to appointment. No referee shall participate in any case in which he is an interested party.

405. The Appeals Board shall appoint a chief referee who shall be a member in good standing of the State Bar of California. Chief referee

406. The duties of the chief referee include: Duties

(a) Serving as the chief executive of the board in the administration of the activities of referees and their staffs.

(b) Maintaining a continuous review of the decisions of referees from which no appeal is taken to uncover decisions which appear inconsistent with the law, with established judicial decisions, with prior decisions of the board or with each other and recommending such cases to the Appeals Board for certification to itself for a further hearing.

407. In any case before it, the Appeals Board may delegate to any one of its members or to a special examiner or referee the taking and hearing of evidence. Whatever decision is rendered by the board must be the act of a majority of its members. The Appeals Board and its duly authorized representatives in the performance of its duties under this division shall have the powers of a head of a department as set forth in Sections 11180 to 11191, inclusive, of the Government Code. Taking hearing of evidence

408. Except as provided in Section 2713, all meetings, hearings, and proceedings of the Appeals Board shall be public and all decisions and orders shall be in writing. Meetings, etc.

409. The decisions of the Appeals Board shall contain a statement of the facts upon which the decision is based, and a statement of the decision itself and the reasons therefor. Such decisions shall be available for public inspection, and shall be published from time to time in such manner as to make them available for public use. The director may make such reasonable charge for publications as he deems necessary to defray the cost of their publication and distribution. Decisions of Appeals Board

410. A decision of the Appeals Board is final, except for such action as may be taken by judicial tribunal as permitted or required by law. Decision is final

411. The Appeals Board may promulgate rules or amend or rescind rules pertaining to hearing appeals and other matters falling within its jurisdiction. Such rules shall become effective upon adoption by the Appeals Board and filing with the Secretary of State. Rules

Article 4. Interstate and Federal Cooperation

451. The administration of this division and of other state and federal unemployment compensation and public employment service laws will be promoted by cooperation between this State and such other states and the appropriate federal agencies in exchanging services, and making available facilities and information. The director may make investigations, secure Interstate and federal cooperation

and transmit information, make available services and facilities and exercise the other powers provided with respect to the administration of this division which he finds necessary or appropriate to facilitate the administration of any state or federal unemployment compensation or public employment service law, and may accept and utilize information, services and facilities made available to this State by an agency charged with the administration of any such other state or federal law.

Reciprocal arrangements with foreign governments

452. To the extent permissible under the laws and Constitution of the United States, the director may enter into or cooperate in arrangements whereby facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims and the payment of benefits under the Unemployment Insurance Law of this State or a similar law of such government.

(Amended by Stats. 1953, Ch. 449.)

[ORIGINAL SECTION]

452. To the extent permissible under the laws and Constitution of the United States, the director may enter into or cooperate in arrangements whereby facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims and the payment of benefits under the Unemployment Insurance Law or similar law of this State.

Interstate cooperation in enforcement

453. To encourage cooperation between this State and other states in the enforcement of the unemployment insurance law of each state and to further coordinate the nation-wide system of unemployment insurance in the United States and its territories:

(a) The courts of this State shall recognize and enforce liabilities for unemployment contributions imposed by other states which extend a like comity to this State.

(b) The Attorney General may commence action in any other jurisdiction by and in the name of the department to collect unemployment contributions, penalties and interest legally due this State. The officials of other states which extend a like comity to this State may sue for the collection of such contributions in the courts of this State. A certificate by the Secretary of State under the Great Seal of the State that the officers of the department designated by the director have authority to collect the contributions is conclusive evidence of such authority.

(c) The Attorney General may commence action in this State as agent for and on behalf of any other state to enforce judgments and liabilities for unemployment insurance taxes or contributions due such state which extends a like comity to this State.

Interstate reciprocal agreements

454. The director may enter into reciprocal arrangements with authorized agencies of other states or of the Federal Government, or both, whereby:

(a) Services customarily performed in more than one state by an individual for a single employer shall be deemed to be services performed entirely within any one of the states (i) in which any part of the individual's service is performed, or (ii) in which the individual has his residence, or (iii) in which the employer maintains a place of business, if there is in effect as to such services an election by the employing unit with the acquiescence of the individual, approved by the agency charged with the administration of such state's unemployment compensation law pursuant to which all the services performed by such individual for such employer are deemed to be performed entirely within such state.

(b) Services on vessels engaged in interstate commerce wherever performed shall be deemed performed within this State or any other state on the basis of the location of the operating office of the employer from which the operations of the vessel are ordinarily and regularly supervised, managed, directed, and controlled.

Same

455. The director may enter into reciprocal arrangements with authorized agencies of other states or of the Federal Government, or both, whereby:

(a) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the director finds will be fair and reasonable to all affected interests and which will not result in any substantial loss to the fund.

(b) Wages or services in employment subject to an unemployment compensation law of another state or of the Federal Government shall be deemed to be wages in employment for employers for the purpose of determining an individual's rights to unemployment compensation benefits under this part, and wages in employment for employers as defined in this part shall be deemed to be wages or services on the basis of which unemployment compensation under the law of another state or of the Federal Government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the Unemployment Fund for such of the unemployment compensation benefits paid under this part upon the basis of such wages or services, and provisions for reimbursements from the Unemployment Fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this part as the director finds will be fair and reasonable to all affected interests. Reimbursements paid from the Unemployment Fund pursuant to this subdivision shall be deemed to be unemployment compensation benefits for the purposes of this part. The director may make to other state and federal agencies and receive from such other state or federal

agencies reimbursements from or to the fund, in accordance with arrangements entered into pursuant to this subdivision.

Same

456. The director may enter into reciprocal arrangements with authorized agencies of other states or of the Federal Government, or both, whereby employer contributions due under this part with respect to wages for employment shall be deemed to have been paid to the Unemployment Fund of this State as of the date payment of such contributions was made under another state or federal unemployment compensation law. No arrangement shall be entered into pursuant to this section unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the director finds will be fair and reasonable to all affected interests. The director may collect contributions in like manner for such agencies of other states and the Federal Government administering unemployment compensation laws and remit such contributions to such agencies under appropriate reciprocal arrangements.

CHAPTER 3. SCOPE OR COVERAGE

Article 1. Employment

"Employment"

601. "Employment," means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

Same

602. "Employment" includes an individual's entire service, performed within, or both within and without, this State if:

(a) The service is localized in this State; or

(b) The service is not localized in any state but some of the service is performed in this State and (1) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (2) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

Localized service

603. Service is localized within a state if:

(a) The service is performed entirely within the state; or

(b) The service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state, for example, is temporary or transitory in nature, or consists of isolated transactions.

"Employment"

604. "Employment" includes an individual's entire service, if such service is deemed performed in this State by virtue of an arrangement made pursuant to this division and does not include any service which by virtue of such an arrangement is deemed performed in another state.

Same

605. "Employment" includes all service performed in the employment of a public housing administration agency whether operated by state or local governmental subdivisions.

606. Each individual employed to perform or to assist in performing the work of any individual employed by an employing unit shall be deemed to be employed by that employing unit for all the purposes of this division, whether or not he was hired or paid directly by the employing unit if the employing unit had actual or constructive knowledge of the work. Assistants

607. If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of the employee for that period shall be deemed to be employment; but if the services performed during more than one-half of any pay period by an employee for the person employing him do not constitute employment, then none of the services of the employee for that period shall be deemed to be employment. Services as employment

As used in this section "pay period" means a period of not more than 31 consecutive days for which a payment of remuneration is ordinarily made to the employee by the person employing him "Pay period"

Article 2 Excluded Services

625 "Employment" does not include agricultural labor. Agricultural labor

626. Agricultural labor includes all services performed on a farm in the employ of any person: Same

(a) In connection with the preparation, care and treatment of farm land, including leveling for agricultural purposes, plowing, disking, and fertilizing the soil.

(b) In connection with the sowing and planting of any agricultural or horticultural commodity.

(c) In connection with the care of any agricultural or horticultural commodity. As used in this subdivision "care" includes, but is not limited to, cultivation, irrigation, weed control, thinning, heating, fumigating, spraying, and dusting.

(d) In connection with the harvesting of any agricultural or horticultural commodity. As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling, field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing. By way of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, are included within the term "harvesting" as used in this subdivision.

(e) In connection with the assembly and storage of any agricultural or horticultural commodity. As used in this subdivision "assembly and storage" includes, but is not limited to, loading, roadsiding, banking, stacking, binning, and piling.

(f) In connection with the raising, feeding and management of livestock, mink, poultry and bees, including, but not limited

to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey.

(Amended by Stats 1953, Ch. 728.)

[ORIGINAL SECTION]

626 Agricultural labor includes all services performed on a farm in the employ of any person.

(a) In connection with the preparation, care and treatment of farm land, including leveling for agricultural purposes, plowing, disking, and fertilizing the soil

(b) In connection with the sowing and planting of any agricultural or horticultural commodity.

(c) In connection with the care of any agricultural or horticultural commodity As used in this subdivision "care" includes, but is not limited to, cultivation, irrigation, weed control, thinning, heating, fumigating, spraying, and dusting.

(d) In connection with the harvesting of any agricultural or horticultural commodity. As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling, field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing By way of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, is included within the term "harvesting" as used in this subdivision.

(e) In connection with the assembly and storage of any agricultural or horticultural commodity As used in this subdivision "assembly and storage" includes, but is not limited to, loading, roadsiding, banking, stacking, binning, and piling

(f) In connection with the raising, feeding and management of livestock, poultry and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey.

NOTE This section was also amended by Stats 1953, Ch 449, as follows:

626 Agricultural labor includes all services performed on a farm in the employ of any person.

(a) In connection with the preparation, care and treatment of farm land, including leveling for agricultural purposes, plowing, disking, and fertilizing the soil

(b) In connection with the sowing and planting of any agricultural or horticultural commodity.

(c) In connection with the care of any agricultural or horticultural commodity As used in this subdivision "care" includes, but is not limited to, cultivation, irrigation, weed control, thinning, heating, fumigating, spraying, and dusting

(d) In connection with the harvesting of any agricultural or horticultural commodity As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling, field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing. By way of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, are included within the term "harvesting" as used in this subdivision.

(e) In connection with the assembly and storage of any agricultural or horticultural commodity As used in this subdivision "assembly and storage" includes, but is not limited to, loading, roadsiding, banking, stacking, binning, and piling

(f) In connection with the raising, feeding and management of livestock, poultry and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey

627. Agricultural labor includes all services performed in the employ of the owner or tenant of a farm: Same

(a) In connection with the drying, processing, packing, packaging, handling, grading, storing, freezing, transporting to delivery point or point of first processing, and marketing of any agricultural or horticultural commodity the major part of which was produced by such owner or tenant.

(b) In connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment if the major part of such services are performed on a farm in connection with ordinary farming operations.

(c) The provisions of subdivisions (a) and (b) are not applicable with respect to services performed in connection with commercial canning or commercial freezing operations or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption, or to manufacturing or commercial operations as distinguished from ordinary farming operations.

628. As used in Sections 626 and 627, the term "farm" includes, among others, stock, mink, dairy, poultry, fruit and truck farms, plantations, ranches, ranges, apiaries, orchards, vineyards, nurseries, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities. "Farm"

(Amended by Stats. 1953, Ch. 728.)

[ORIGINAL SECTION]

628. As used in Sections 626 and 627, the term "farm" includes, among others, stock, dairy, poultry, fruit and truck farms, plantations, ranches, ranges, apiaries, orchards, vineyards, nurseries, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

628.5. Agricultural labor includes all services performed in the employ of a bona fide owner or tenant of a farm in connection with the operation of hay baling equipment if such equipment is used either (1) exclusively on such farm, or (2) both on such farm and on the farms of other owners or tenants of farms. Hay baling

(Amended by Stats. 1953, Ch. 449.)

[ORIGINAL SECTION]

628.5. Agricultural labor includes all services performed in the employ of a bona fide owner or tenant of a farm in connection with the operation of hay baling equipment if such equipment is used either (1) exclusively on such farm, or (2) both on such farm and on the farms of other owners or tenants of farms.

629. "Employment" does not include domestic service in a private home. Domestic service

630. "Employment" does not include maritime services as to which this State is prohibited by the Constitution and laws of the United States from requiring contributions of employers or their workers with respect to wages as provided in this division. Maritime services

631. "Employment" does not include service performed by an individual in the employ of his son, daughter, or spouse, Family relationships

and service performed by a child under the age of 21 in the employ of his father or mother.

Federal employment

632. "Employment" does not include service performed in the employ of the United States Government or of any instrumentality of the United States, but if Congress permits the states to require any instrumentalities of the United States to make payments into a fund under a state unemployment compensation act, and to comply with state regulations thereunder, then, to the extent permitted by Congress all of the provisions of this division shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals and services.

If this State is not certified by the Secretary of Labor under Section 1603 of the Internal Revenue Code for any year, then the payments required of such instrumentalities and their workers with respect to such year shall be refunded from the Unemployment Fund without interest.

(Amended by Stats. 1953, Ch. 449)

[ORIGINAL SECTION]

632. "Employment" does not include service performed in the employ of the United States Government or of any instrumentality of the United States, but if Congress permits the states to require any instrumentalities of the United States to make payments into a fund under a state unemployment compensation act, and to comply with state regulations thereunder, then, to the extent permitted by Congress all of the provisions of this division shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals and services.

If this State is not certified by the Social Security Board under Section 903 of the Social Security Act for any year, then the payments required of such instrumentalities and their workers with respect to such year shall be refunded from the Unemployment Fund without interest.

State employment

633 Except as provided in Sections 605 and 709, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

Nonprofit organizations

634. "Employment" does not include service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

U S unemployment compensation system

635. "Employment" does not include service under any unemployment compensation system established by a law of the United States.

Uncompensated officers

636. "Employment" does not include service performed by uncompensated officers or employees of a corporation or

association where the corporation or association is not subject to the Federal Unemployment Tax Act.

637. "Employment" does not include service performed by directors of a corporation or association receiving a per diem of not more than twenty dollars ($20) for attending meetings of the board of directors, with or without a reasonable mileage for going to and from meetings of the board and other reasonable expenses incidental to attending such meetings where the corporation or association is not subject to the Federal Unemployment Tax Act. Corporate directors

638. Sections 639 to 648, inclusive, shall be operative only during such time as the respective type or types of service set forth in those sections are similarly excluded from the definition of "employment," in the Federal Unemployment Tax Act. Contingent effect

639. "Employment" does not include domestic service in a local college club, or local chapter of a college fraternity or sorority. College club

640. "Employment" does not include service not in the course of the employing unit's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is fifty dollars ($50) or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed by an employing unit during a calendar quarter only if on each of some 24 days during that quarter or the preceding calendar quarter such individual performs for such employing unit for some portion of the day service not in the course of the employing unit's trade or business. Service not in course of employer's trade or business

641. "Employment" does not include service performed in any calendar quarter in the employ of any organization exempt from federal income tax if: Income-tax-exempt organizations

(a) The remuneration for such service does not exceed fifty dollars ($50).

(b) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order or association and is performed away from the home office or is ritualistic service in connection with any such society, order or association. Fraternal organizations

(c) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college or university. Students

642. "Employment" does not include service performed in the employ of an agricultural or horticultural organization. Agricultural organization

643. "Employment" does not include service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if: Employees' beneficiary association

(a) No part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and

(b) Eighty-five percent or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses.

Government employees' beneficiary association

644. "Employment" does not include service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or designated beneficiaries, if (a) admission to membership in such association is limited to individuals who are employees of the United States Government, and (b) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

Students attending school

645. "Employment" does not include service performed in the employ of a school, college, or university, not exempt from federal income tax, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

Foreign government

646. "Employment" does not include service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

Instrumentality of foreign government

647. "Employment" does not include service performed in the employ of an instrumentality wholly owned by a foreign government:

(a) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(b) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

Student nurse

648. "Employment" does not include service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

649. "Employment" does not include service performed by an individual if:

Newsboys

(a) Such service is performed by an individual under the age of 18 in the delivery or distribution of newspapers, shopping news, or magazines, not including delivery or distribution to any point for subsequent delivery or distribution, unless such service is performed by an individual under the age of 18 whose principal occupation is regular full-time work and whose attendance at school is incidental to full-time employment.

(b) Such service is performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back. News vendors

(Amended by Stats. 1953, Ch. 528.)

[ORIGINAL SECTION]

649 "Employment" does not include service performed by an individual under the age of 18 in the delivery or distribution of newspapers, shopping news, or magazines, not including delivery or distribution to any point for subsequent delivery or distribution, unless such service is performed by an individual under the age of 18 whose principal occupation is regular full-time work and whose attendance at school is incidental to full-time employment.

(NOTE: Stats 1953, Ch 528, also contained the following provision.

SEC. 4 Section 7 2 of the Unemployment Insurance Act and Section 649 of the Unemployment Insurance Code, as herein amended, is hereby declared to be merely a clarification of the original intention of the Legislature, and is not a substantive change. The California Unemployment Insurance Act was enacted as a part of a national plan for the purpose of assisting in the stabilization of employment conditions. It was not enacted to, nor intended to, cover persons not occupying the status of employees.)

650. "Employment" does not include services performed as a real estate, business opportunity, mineral, oil and gas, or cemetery salesman by an individual who is licensed in one of such classes by the State and who is remunerated solely by way of commission. Real estate salesmen

(Amended by Stats. 1953, Ch. 1066.)

[ORIGINAL SECTION]

650. "Employment" does not include services performed as a real estate salesman by an individual who is licensed by the State as a real estate salesman and remunerated solely by way of commission.

651. "Employment" does not include services performed in caddying or carrying a golf player's clubs by an individual who is not in the employ of the golf club or association. Golf caddies

(Added by Stats. 1953, Ch. 1751.)

Article 3. Subject Employers

675. "Employer" means any employing unit, which for some portion of a day, has within the current calendar year or had within the preceding calendar year in employment one or more individuals and pays wages for employment in excess of one hundred dollars ($100) during any calendar quarter; provided, that prior to January 1, 1946, "employer" means any employing unit which for some portion of a day, but not necessarily "Employer" defined

simultaneously, in each of 20 different weeks, whether or not such weeks are or were consecutive, has within the current calendar year or had within the preceding calendar year in employment four or more individuals, irrespective of whether the same individuals are or were employed in each of such days.

(Amended by Stats 1953, Ch. 1294.)

[ORIGINAL SECTION]

675 "Employer" means any employing unit, which for some portion of a day, has within the current calendar year or had within the preceding calendar year in employment one or more individuals and pays wages for employment in excess of one hundred dollars ($100) during any calendar quarter.

Same

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

(Added by Stats. 1953, Ch. 1294.)

Article 4. Elective Coverage

Elective coverage Employing unit not otherwise subject

701. An employing unit, not otherwise subject to this division, which files with the director its written election to become an employer for not less than two calendar years, shall, with the written approval of the election by the director, become an employer subject to this part to the same extent as other employers, as of the date stated in the approval.

Excluded employment

702. Any employing unit for which services that do not constitute employment are performed, may file with the director a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of this division for not less than two calendar years. Upon the written approval of the election by the director, such services shall be deemed to constitute employment subject to this division from and after the date stated in the approval.

Out-of-state employment

703. Services not included within "employment" and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal Government, shall be deemed to be employment if the individual performing such services is a resident of this State and the director approves the election of the employing unit for whom the services are performed that the entire service of such individual shall be deemed to be employment subject to this division Such election shall be for the period, made in the manner, and subject to termination as provided in this article for other elections of coverage.

704. The director shall not approve an election under Sections 701 or 702 until it has been established to his satisfaction that the employing unit is normally and continuously engaged in a regular trade, business or occupation. Approval—established business

705. An elective coverage agreement approved by the director pursuant to Sections 701, 702 or 703 may be terminated as of January 1st of any calendar year only if the agreement has been in effect for two calendar years and if the employing unit, on or before the thirty-first day of January of that year, has filed with the director a written application for termination. Termination

706. The director may for good cause waive the requirements of Section 705 for termination of an elective coverage agreement. Waiver of termination

707. Every employing unit which files an election to become an employer or to cease to be an employer pursuant to Sections 701, 702 or 703 shall post and maintain printed notices of such election on his premises, as prescribed by authorized regulation. Individuals in the employ of any employing unit which files an election to become an employer shall be given a reasonable opportunity to file objections or to be heard in the matter prior to the director's approval of the election. Posting of notice—employee objections

708. Any individual who is an employer under this division or any two or more individuals who have so qualified may file with the director a written election that their services shall be deemed to be services performed by individuals in employment. Upon the approval of the election by the director and to the extent that reports are filed and contributions paid with respect to such individuals, their services shall be deemed to constitute employment Regardless of their actual earnings, for the purposes of computing benefit rights and contributions, they shall be deemed to have received wages in the amount of two hundred fifty dollars ($250) a calendar month. Contributions required under this division are payable on and after the date stated in the approval of the director. Employer's election to qualify for benefits

709. Whenever the State, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions files with the director its written intention to become an employer subject to this division, or to have any of its departments or units become employers subject to this division, and to have the services performed by its employees constitute employment subject to this division, and the director finds that a majority of the employees to be affected by such action have held an election and have voted in favor thereof, such state, political subdivision thereof, instrumentality, or department or unit thereof shall thereupon become an employer subject to this division to the same extent as other employers, and services performed by its employees shall constitute employment subject to this division. Public employees

This section shall not apply to employees holding civil service or permanent tenure positions.

CHAPTER 4. CONTRIBUTIONS AND REPORTS

Article 1. Definitions

Definitions

901. The definitions set forth in this article are applicable to this chapter only.

"Compensation date"

902. "Computation date" means:

(a) The close of business on December 31, 1940, for the purpose of establishing contribution rates for the period January 1, 1941, to and including June 30, 1941.

(b) The close of business on June 30, 1941, for the purpose of establishing contribution rates for each of the following periods: (1) July 1, 1941, to and including December 31, 1941; (2) the calendar year 1942.

(c) The close of business on June 30th, of each calendar year after 1941 for the purpose of establishing contribution rates for the next succeeding calendar year.

"Rating period"

903. "Rating period" means:

(a) The period from January 1, 1941, to and including June 30, 1941.

(b) The period from July 1, 1941, to and including December 31, 1941.

(c) The full calendar year next succeeding any computation date provided for in subdivisions (b) (2) and (c) of Section 902.

"Net balance of reserve"

904. "Net balance of reserve" means the excess, if any, of credits required to be made to any employer's account over the charges against that account as of any computation date.

"Average base pay roll"

905. "Average base pay roll" means the quotient obtained by dividing by three the total amount of taxable wages paid by an employer during the most recent period of three consecutive calendar years immediately preceding the computation date.

"Contributions paid on his own behalf"

906. "Contributions paid on his own behalf" means all contributions paid to the Unemployment Fund on behalf of an employer with respect to taxable wages paid by him on or before the computation date for determining a reduced contribution rate for any rating period; provided, such contributions, excluding additional amounts determined to be due as a result of an amendment under Section 1036 and paid on or before the delinquent date for the quarter in which he is notified of the determination, have been paid on or before the end of the calendar month next succeeding such computation date.

Article 2. "Wages," the Basis of the Contribution

"Wages" defined

926. Except as otherwise provided in this article "wages" means all remuneration payable for personal services, whether by private agreement or consent or by force of statute, including commissions and bonuses, and the reasonable cash value of all remuneration payable in any medium other than cash.

Tips as wages

927. If tips or gratuities are customarily received and retained by a worker in the course of his employment from persons other than his employing unit, and if such tips or gratui-

ties, or such tips or gratuities plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities, constitute substantially the only wage payable to the worker, then the tips or gratuities shall be treated as wages paid by his employing unit. The reasonable amount of tips and gratuities may be estimated pursuant to authorized regulations.

Weekly wage where payments are irregular

928. If the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to benefits only shall be determined pursuant to authorized regulations. The regulations shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

Business expenses

929. "Wages" does not include the actual amount of any required or necessary business expense incurred by an individual in connection with his employment, or, in lieu of the actual amount of such expenses, the reasonably estimated amount allowed therefor pursuant to authorized regulations.

Payments over $3,000

930. "Wages" does not include remuneration in excess of three thousand dollars ($3,000) paid to an individual by an employer during any calendar year, with respect to employment. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of three thousand dollars ($3,000) to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, 937, and 938.

Payments for employee benefits

931. "Wages" does not include the amount of any payment made to or on behalf of an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally, or for his employees generally and their dependents, or for a class or classes of his employees, or for a class or classes of his employees and their dependents, on account of retirement, or sickness or accident disablity, or medical or hospitalization expenses in connection with sickness or accident disability, or death.

As used in this section "payment" includes any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment

Payments for retirement benefits

932 "Wages" does not include any payment made to an employee on account of retirement, including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment.

Payments for disability benefits

933. "Wages" does not include any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer.

Trust fund payments

934. "Wages" does not include any payment made to, or on behalf of, an employee or his beneficiary:

(a) From or to a trust exempt from tax under Section 165 (a) of the Internal Revenue Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust.

(b) Under or to an annuity plan which, at the time of such payment, meets the requirements of Section 165 (a) (3), (4), (5), and (6) of the Internal Revenue Code.

Payments of employee's social security or unemployment insurance tax

935 "Wages" does not include the payment by an employer, without deduction from the remuneration of the employee, of the tax imposed upon an employee under Section 1400 of the Internal Revenue Code, or of any payment required from an employee under a state unemployment compensation law.

Other pay for casual labor

936. "Wages" does not include remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business.

Retirement payments to employees over 65

937. "Wages" does not include any payment, other than vacation or sick pay, made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made.

Dismissal payments

938 "Wages" does not include dismissal payments which the employer is not legally required to make.

Contingent effect

939. Sections 930, 931, 932, 933, 934, 935, 936, 937, and 938 shall be operative only during such time as the respective type or types of payments set forth in those sections are similarly excluded from the definition of wages contained in the Federal Unemployment Tax Act.

Article 3. Contribution Rates

Employer contributions

976. Employer contributions to the Unemployment Fund shall accrue and become payable by every employer for each calendar year with respect to wages paid for employment. The contributions are due and shall be paid to the department for the Unemployment Fund by each employer in accordance with this division and shall not be deducted in whole or in part from the wages of individuals in his employ.

977. Every employer shall pay into the Unemployment Fund contributions equal to the following amounts: Rates, 1936-1940

(a) During the year 1936, with respect to payments of wages made during that year, ninety one-hundredths percent of all wages paid by him in employment.

(b) For the year 1937, one and eighty one-hundredths percent of all wages payable by him during such year with respect to employment.

(c) For the years 1938, 1939, and 1940, two and seventy one-hundredths percent of all wages with respect to which contributions become due and payable for employment.

978. After December 31, 1940, employers shall pay into the Unemployment Fund contributions upon all wages with respect to employment at the following rates. Rates after December 31, 1940

If, as of the computation date the employer's net balance of reserve equals or exceeds that percentage of his average base pay roll which appears on any line in Column 1 of the following table, but is less than that percentage of his average base pay roll which appears on the same line in Column 2 of that table, his contribution rate shall be the figure appearing on that same line in Column 3 of that table.

Line	Column 1	Column 2	Column 3 (Contribution rate)
1	0 %	7½%	2.7%
2	7½%	9 %	2.5%
3	9 %	10 %	2.0%
4	10 %	11 %	1.5%
5	11 %	100 % or more	1.0%

979. After December 31, 1947, whenever the balance in the Unemployment Fund on December 31st of any calendar year equals 7½ percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates. Solvency factor for additional rate reductions

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base pay roll which appears on any line in Column 1 of the following table, but is less than that percentage of his average base pay roll which appears on the same line in Column 2 of that table, his contribution rate shall be the figure appearing on that same line in Column 3 of that table.

Line	Reserve balance Column 1	Reserve balance Column 2	Contribution rate Column 3
1	0 %	6 %	2.7%
2	6 %	6½%	2.5%
3	6½%	7 %	2.3%
4	7 %	7½%	2.1%

Line	Reserve balance Column 1	Reserve balance Column 2	Contribution rate Column 3
5	7½%	8 %	1.9%
6	8 %	8½%	1.7%
7	8½%	9 %	1.5%
8	9 %	9½%	1.3%
9	9½%	10 %	1.1%
10	10 %	10½%	0.9%
11	10½%	11 %	0.7%
12	11 %	11½%	0.5%
13	11½%	12 %	0.3%
14	12 %	12½%	0.1%
15	12½%	100 % or more	0 %

Determining balance in Unemployment Fund

980. In determining the balance in the Unemployment Fund for the purpose of Section 979 there shall be excluded any estimated contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter. There shall also be excluded any amounts available for transfer to the Disability Fund.

Power to suspend reduced rates

981 Whenever it appears that the funds in the Unemployment Fund are less than one and one-half times the amount of unemployment compensation benefits paid during the preceding calendar year, the commission, by appropriate notice, may invoke a contribution rate of 2 7 percent from all employers, in lieu and regardless of any reduced or lower rate elsewhere prescribed in this division The rate established pursuant to this section shall be effective only until the expiration of the next quarter during which the fund again becomes equal to or in excess of one and one-half times the amount of unemployment compensation benefits paid during the then preceding calendar year.

Experience necessary to qualify for reduced rate

982. No employer shall be eligible for a contribution rate of less than 2 7 percent for the rating period January 1, 1941, to June 30, 1941, unless he has had a pay roll subject to tax under this division in each of the five years preceding January 1, 1941, and unless his separate account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 978. No employer shall be eligible for a contribution rate of less than 2.7 percent for any subsequent rating period unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 978 or 979.

Requisites for reduced rate.

983. No employer's contribution rate for any rating period commencing on or after January 1, 1942, shall be less than 2.7 percent if he has failed:

(a) To file with the director on or before the date on which they become delinquent the contribution reports and worker earning reports required of employers under this part for periods ending on or before the computation date for such rating period. Timely filing of reports

(b) To pay within two months or within such further time as the director may fix after the computation date for such rating period all contributions, excluding interest and penalties, shown to be due on reports filed with the director for periods ending on or before such computation date. Timely payment of taxes

(c) This section shall not apply in any case where the employer establishes to the satisfaction of the director that his failure to file or pay was not due to any intention to evade or avoid the provisions of this division. Application of section

984. Beginning on January 1, 1936, each worker shall contribute one-half of 1 percent of the wages paid to him by each employer with respect to employment; and beginning on January 1, 1937, nine-tenths of 1 percent of such wages and on and after January 1, 1938, and after his employer has satisfied the conditions set forth in this part with respect to becoming an employer, 1 percent of such wages; except that the rate of contributions required of a worker shall not in any year exceed 50 percent of the general rate required of employers. Employee contributions

985. Section 984 shall not apply to that part of remuneration which, after remuneration equal to three thousand dollars ($3,000) has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to three thousand dollars ($3,000) with respect to employment after 1939 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year. $3,000 limitation

986. Each employer shall, notwithstanding any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time the wages are paid, shall show the deduction on his pay roll records, shall furnish each worker with a statement in writing showing the amount which has been deducted, in such form and at such times as may be prescribed, and shall transmit all such contributions to the fund, in addition to his own contributions, pursuant to authorized regulations. Withheld in trust

987. Each employer shall be liable for any and all contributions required to be made by his workers on account of wages which he has paid to them regardless of whether or not he has deducted the contributions from the workers' wages at the time they were paid, but no employer shall be liable for worker contributions required on behalf of himself or of any of his employees with respect to wages paid while there is in effect at the Liability of employer

time the wages were paid a rule or regulation or interpretation of the director or of the department that such wages were not subject to such contributions.

Not subject to garnishment, etc

988. Contributions by workers, payable as provided in this article, shall be exempt from garnishment, attachment, execution or any other remedy for the collections of debts, and in the event of the insolvency or bankruptcy of an employer shall not be considered any part of his assets and shall be paid to the director prior to the payment of any other claim against the employer.

Publication of annual tax rates

989. The annual tax rate or contribution rate which under this division is determined to apply to any particular employee or any particular employer, or group of employees or group of employers, shall be made public and available for public inspection but in no case shall the amount of tax paid by any employee or employer, or group of employees or group of employers, be disclosed to the public.

Payments of less than one cent

990. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent ($0.005) or more, in which case it shall be increased to one cent ($0.01).

Erroneous payments to another state

991. Any contributions paid to the Unemployment Fund or Disability Fund with respect to wages on which contributions previously have been paid in error and without negligence on the part of the employing unit to another state having an unemployment compensation law shall be deemed for the purposes of this division to have been paid to this State at the time of the erroneous payment to the other state.

Permissive legislation for "100 percent offset"

992. During such times as the Federal Unemployment Tax Act is amended so that employers are allowed, against the tax imposed by Section 1600 of that act, credits amounting to 100 percent of such tax on account of contributions paid under this act, then the additional contributions provided for by Section 993 shall be required to be paid into the Unemployment Fund.

Same

993. Every employer who on each of some 20 days during a calendar year, each day being in a different calendar week, had in employment for some portion of the day, whether or not at the same moment of time, eight or more individuals shall, subject to Section 992, pay into the Unemployment Fund in addition to the amounts required by other provisions of this division an amount equal to three-tenths of 1 percent of all wages paid by him in employment during that calendar year and included in the measure of the contributions allowed as the credit against the tax imposed by Section 1600 of the Federal Unemployment Tax Act.

Same Contingent effect

994. Sections 992 and 993 shall not become operative unless the Federal Security Administrator certifies that they are in conformity with the provisions of Title III of the Social Security Act and Sections 1601, 1602, and 1603 of the Federal Unemployment Tax Act.

Article 4. Reserve Accounts

1025. The director shall keep separate records of the amounts paid into the fund by each employer in his own behalf, or chargeable to him as benefits; but nothing in this division shall be construed to grant any employer or his employees prior claims or rights to the amount contributed by him to the fund, either on his own account or on behalf of his employees. The amount of employer contributions shall be pooled and available to pay unemployment compensation benefits to any employee entitled thereto regardless of the source of contributions. Contribution payments pooled

1026. The director shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf. Unemployment compensation benefits paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period, but if the individual performed services in employment for more than one employer during his base period, unemployment compensation benefits paid to him shall be charged against the respective accounts of such employers in the proportion that the total wages paid to the individual in employment for each employer bears to the total wages paid to the individual in employment for all employers during the base period. Separate reserve account for each employer

1027. The maximum amount of benefits chargeable against employers' accounts by reason of unemployment compensation benefits paid to any one individual for any one benefit year shall not be in excess of 18 times the weekly benefit amount of that individual for that benefit year. Maximum charge to reserve account

1028. The charge of unemployment compensation benefits to an employer's account required by Section 1026 shall be made in such manner as to include as of each computation date all unemployment compensation benefit payments made on or before the computation date Payments chargeable

1029. Whenever an employer ceases to pay wages in employment the account of the employer, unless it has been transferred under Article 5 of this chapter, shall be canceled on the records of the department after a period of three consecutive years has elapsed following the latest calendar quarter in which the employer paid wages in employment. Cancellation of inactive accounts

1030. Any employer who is entitled under Article 4 of Chapter 5 of this part to receive notice of the filing of a new or additional claim or notice of computation may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work. The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment. Appeals may be taken from Employer's right to notify department of cause of claimant's leaving Determination of cause Appeals

said rulings in the same manner as appeals from determinations on benefit claims.

Right to benefits not affected by determination

1031. No ruling made under Section 1030 may constitute a basis for the disqualification of any claimant but a determination by the department made under the provisions of Section 1328 may constitute a ruling under Section 1030.

Employer's reserve account not charged

1032. If it is ruled under Sections 1030 or 1328 that the claimant left the employer's employ voluntarily and without good cause or was discharged by reason of misconduct connected with his work, benefits paid to the claimant which are based upon wages paid by such employer prior to the date of the termination of employment, shall not be charged to the account of such employer unless he failed to furnish the information specified in Section 1030 within the time limit prescribed in that section.

Statement of reserve account and contribution rate

1033. The director shall not less frequently than once each year furnish each employer with an itemized statement of the charges to his account, and a statement of his account showing the credits and charges, the net balance of his reserve and his contribution rate for the applicable rating period.

Protest of charges

1034. The employer within 60 days after the date of mailing of any statement of charges or credits and charges to his account, or within an additional period not exceeding 60 days which may for good cause be granted by the director, may file with the director a written protest on any item shown thereon. The protest shall set forth the specific grounds on which it is made. No protest may be made on the ground that a claimant was ineligible for a benefit payment where the employer was notified as required by this division and any authorized regulation of the filing of a claim for such benefits or of a determination of the claimant's eligibility therefor and the employer failed to file a timely appeal on such benefit claim, or a final decision of a referee or of the Appeals Board affirmed the payment of such benefits. Except as to corrections made by the director as provided in Section 1036, the contribution rate and other items shown on any such statement of charges or statement of account shall be final unless a protest is filed within the time prescribed in this section.

Petition for review

1035. The director shall give notice to the employer of his action on a protest filed under Section 1034. Within 30 days of notice of disallowance of the protest the employer may file with the Appeals Board a petition for review of the protest. A decision of the Appeals Board in any such protest proceeding shall be subject to judicial review, as provided by law, if an appropriate proceeding is filed by the employer within 60 days of the date of mailing of the decision. The director may in writing extend for a period of not exceeding two years the time within which such proceeding may be instituted if written request for such extension is filed with the director within the 60-day period.

Correction of errors

1036. Prior to the expiration of the rating period to which a statement relates the director shall give notice to the employer

of the correction of any error which the director finds in any statement of account or statement of charges. If the correction increases the contribution rate the notice of correction shall be included in a notice of assessment of any applicable deficiency in contributions for the rating period and the procedures governing petitions for reassessment shall apply. If the correction reduces the contribution rate the notice of correction shall be included in a notice of the amount of any applicable overpayment of contributions paid for the rating period and the procedures governing claims for refund shall apply. Any other notice of correction shall be subject to protest and review in the same manner as in respect to an original statement of account or statement of charges.

Rate payable while protest pending

1037. If a protest involving the contribution rate is pending when any contribution to which such rate relates is due, the employer shall pay the contribution at the rate shown in the statement furnished by the director. Such a protest, however, shall constitute a claim for refund under Article 9 of this chapter, and if a final determination on the protest reduces the contribution rate the amount of overpayment shall be promptly credited or refunded as provided in that article.

Serving of notices

1038. Notices to be given employers under this article shall be served personally or by mail. If by mail the service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the employer at his address as it appears in the records of the department.

Article 5. Transfer of Reserve Accounts

Transfer of employer's reserve account

1051. Whenever any employing unit acquires the organization, trade, or business, or substantially all of the assets thereof, or a distinct and severable portion of such organization, trade, or business, of any employer, excepting any assets retained by the employer incident to the liquidation of his obligations (whether or not the acquiring employing unit was an "employing unit" within the meaning of Section 135 prior to such acquisition), and continues such organization, trade, or business, or such distinct and severable portion thereof without substantial reduction of personnel resulting from such acquisition, an application may be made within 90 days of such acquisition for transfer of reserve account. The application shall contain the name and address of the predecessor, the date of acquisition, the name of the successor, the number of employees prior to and subsequent to the date of acquisition, and, in case of severable portions, such pay roll data as may be required by the department to determine the proper amount to be transferred.

Application within 90 days of acquisition

Transfer to successor

1052. Upon receipt of the application the separate account, actual contribution and benefit experience and pay rolls of the predecessor or that part thereof, as determined by authorized regulations, which pertains to the organization, trade, or business, or portion thereof acquired, shall be transferred to the successor employer for the purpose of determining its rate of

contribution after such acquisition with the same effect for such purpose as if the operations of the predecessor had at all times been carried on by the successor. Such separate account shall be transferred by the director to the successor employer and, as of the date of the acquisition, shall become the separate account or part of the separate account, as the case may be, of the successor employer, and the benefits thereafter chargeable to the predecessor employer on account of employment relating to the transferred organization, trade, or business or transferred portion thereof prior to the date of the acquisition shall be charged to the separate account. This section shall not apply to any acquisition which is determined by the director to have been made solely or primarily for the purpose of obtaining a more favorable rate of contributions under Sections 978 or 979.

Application after 90-day period

1053. Sections 1051 and 1052 are applicable to applications for transfer of reserve accounts made after the 90-day period beginning with the date of acquisition but prior to the cancellation of the reserve account pursuant to Section 1029 if the reserve account has not been reacquired by the predecessor on re-entering business or, in the case of distinct and severable portions, if the predecessor did not continue in business, but any amendment of the contribution rate shall be made as of the first day of the calendar quarter next succeeding the date of the application.

Reports in lieu of application

1054. The provisions of this article requiring a specific application for transfer of reserve account shall not apply to any successor who through error or inadvertence continued to file contribution reports and pay contributions for the account and at the rate determined by the department to apply to the predecessor employer, but such reporting and payment shall be deemed to be in lieu of the application and shall be given the same effect as though a specific application had been filed during the 90-day period beginning with the date of acquisition.

Petition for hearing

1055. In event of a denial of an application for transfer of reserve account, any interested party may petition for hearing before the Appeals Board and the decision of the Appeals Board, after affording the parties reasonable opportunity for fair hearing, shall be final. Within 60 days after the mailing of the notice of that decision any interested party may bring an action against the director with respect to that decision to require the transfer of the reserve account as required by law. The director, in writing, at any time prior to the expiration of said 60-day period may extend the time during which such action may be instituted for a period not exceeding two years from the date of mailing of the decision of the Appeals Board.

Regulations to joint accounts

1056. The director may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers and shall, in accordance with such regulations, upon application by two or more employers to establish such account or to merge their several individual accounts in

a joint account, maintain such joint account, as if it constituted a single employer's account.

Transfer of joint venture accounts

1057. Upon dissolution of a joint venture each participating employer may within 90 days apply for the transfer of his proportionate share of the reserve account. Upon receipt of the application the separate account, actual contribution and benefit experience and pay rolls of such joint venture shall be apportioned among the employers making such application in the same proportion that assets are distributed among the participating employers, and the portion thereof of each shall be transferred to each such employer for the purpose of determining its rate of contribution after the dissolution with the same effect for such purpose as if the applicable portion of the operations of such joint venture had at all times been carried on by such employer. Such portion of such separate account shall be transferred by the director to each such employer and as of the date of such dissolution shall become the separate account or part of the separate account, as the case may be, of such employer. The benefits thereafter chargeable to such joint venture on account of employment relating to such joint venture prior to the date of such dissolution shall be charged to the separate accounts of such employers in proportion to their participation in the joint venture. Any such joint venture shall promptly notify the director of its dissolution.

As used in this section only, "employer" includes the successor of an employer and any subsequent successor employer or employers.

Definitions

1058. As used in this article the term "joint venture" means a separate employing unit which has been organized by two or more employers to accomplish a contract or project or series of contracts or projects and which is wholly owned by such employers As used in this section only, "employer" means any individual or type of organization, including any partnership, joint venture, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person.

Effect of joint venture provisions

1059. The provisions of Sections 1057 and 1058 shall apply to dissolutions occurring prior as well as subsequent to the effective date of Section 41 5 of the Unemployment Insurance Act as amended in the 1953 Regular Session of the Legislature; provided, that notice of any such prior dissolution shall have been given to the commission within 120 days after the effective date of Section 41.5 of the Unemployment Insurance Act as amended in the 1953 Regular Session of the Legislature, but any transfer in respect to any such prior dissolution shall not affect any rate of contribution for any period prior to January 1, 1954.

(Amended by Stats 1953, Ch. 1394.)

[ORIGINAL SECTION]

1059. The provisions of Sections 1057 and 1058 shall apply to dissolutions occurring prior as well as subsequent to September 22, 1951, if notice of any such prior dissolution is given to the director on or before January 21, 1952, but any transfer in respect to any such prior dissolution shall not affect any rate of contribution for any period prior to January 1, 1952.

Changes in contribution rate

1060. A change in contribution rate caused by a transfer under this article of all or a portion of the separate account, actual contribution and benefit experience and pay rolls shall not become effective earlier than the beginning of the calendar quarter next succeeding the effective date of the transfer.

Article 6. Records, Reports and Contribution Payments

Pay roll records required

1085. Every employing unit shall keep a true and accurate work record of:

(a) All his workers.

(b) The wages paid by him to each worker.

(c) Such other information as the director deems necessary to proper administration of this division.

Registration as employer

1086. Each employing unit within 15 days after becoming an employer as defined in this part shall register with the department on a form prescribed by the department

Registration by Board of Equalization

1087. Any officer or employee of the Sales and Use Tax Division of the Board of Equalization who is authorized to accept an application for a seller's permit under Section 6066 of the Revenue and Taxation Code or authorized to register a retailer under Section 6226 of the Revenue and Taxation Code is a duly authorized agent of the Department of Employment for purposes of accepting registration of employers as required in this part.

The department shall reimburse the Board of Equalization for any additional costs incurred by reason of services by any of its officers or employees to the department pursuant to this section.

Contribution return and report of wages

1088. Each employer shall file with the director within the time required for payment of contributions, a return and a report of wages of his workers in such form and containing such information as the director prescribes.

Information regarding claims given workers by employers

1089. Each employer shall post and maintain in places readily accessible to individuals in his service such printed statements concerning benefit rights and other matters as may be prescribed by authorized regulations. Each employer shall, pursuant to authorized regulations, supply each individual at the time he becomes unemployed with copies of printed statements or materials relating to claims for benefits. Such printed statements shall be supplied by the director to each employer without cost to him.

Notice by representative of insolvent or deceased employing unit

1090. Every assignee, receiver, trustee in bankruptcy, or other representative of an insolvent employing unit, and every

administrator or executor of the estate of a deceased employing unit, shall within 30 days after assuming office send notice in writing of the name and address of the employing unit, his own name and address, and such other information as may be required by the director.

Final returns required of corporations terminating business

1091. Every domestic corporation within 10 days of its quitting business or commencing of proceedings to wind up its affairs and voluntarily dissolve, in accordance with the provisions of Sections 4600 to 4603, inclusive, of the Corporations Code, and every foreign corporation within 10 days of its surrendering its right to engage in business in the State of California, in accordance with the provisions of Sections 6700 and 6701 of the Corporations Code, shall submit to the department a final return setting forth in detail its contribution liability, if any, theretofore unreported.

Inspection of records

1092. Every employing unit shall furnish to the director, referee, or deputy, upon demand, a sworn statement of the matters contained in the records required by Section 1085. Such records shall be open to inspection and shall be subject to being copied by the director or his authorized representative at any time during the business hours of the employing unit. Any claimant or his authorized representative at a hearing before a deputy or referee or the Appeals Board shall be supplied with information from such records to the extent necessary for the proper presentation of his claim.

Presumption of eligibility in absence of records

1093 In the event any employer shall fail to keep and furnish to the director, upon notice, any required records or reports necessary for a full determination, decision on appeal, or other proper disposition of any claim for benefits in any proceeding under this division, within such reasonable time as the director may by rule, regulation, or procedure prescribe, it shall be conclusively presumed that the claimant is entitled to the maximum total amount of benefits payable under this division unless it is established by other evidence which the director deems sufficient that a lesser total amount of benefits is properly due and owing to the claimant. If so established by other evidence upon default of the employer, after notice, such lesser total amount of benefits thus determined shall be conclusive. In all cases in which such presumptions shall apply, if the claimant has earned wages in employment for more than one employer during his base period, the accounts of the employer or employers who have properly kept and furnished the required records or reports shall not be charged with benefits in an amount exceeding that which such accounts would have been charged had the claimant been entitled only to benefits determined by the total of the wages earned and the number of calendar quarters worked for them and all benefits paid in excess thereof shall be charged solely against the accounts of the employer or employers who have failed to keep or furnish the required records or reports.

Charges to employers' accounts

Use of information furnished department

1094. Except as otherwise specifically provided in this division the information furnished to the director by an employing unit, pursuant to this division, shall be for the exclusive use

and information of the director in discharge of his duties and shall not be open to the public, nor admissible in evidence in any action or special proceeding, other than one arising out of the provisions of this division. Such information may be tabulated and published in statistical form for the use and information of state departments and the public, except that the name of the employing unit or of any worker shall never be divulged in the course of such tabulation or publication.

Authorized use of information

1095. The director shall permit the use of any information in his possession to the extent necessary for any of the following purposes:

(a) To properly present a claim for benefits.

(b) To acquaint a worker or his authorized agent with his existing or prospective right to benefits.

(c) To furnish an employer or his authorized agent with information to enable him to fully discharge his obligations or safeguard his rights under this division.

(d) To enable an employer to receive a reduction in contribution rate.

Reporting through agent

1096. Where a number of workers are normally employed in employment in the course of a year by several employers, such employers, with the approval of the director, may appoint an agent. The agent may maintain records and prepare and file returns and reports required under this division with respect to such workers, including returns and reports of wages paid to the workers, and may pay the employers' and workers' contributions levied under this division with respect to wages paid to such workers and perform such other acts on behalf of such employers as the director may authorize all in the same manner as though the agent were the employer of the workers

Same

1097. The manner of crediting to each employer the employment experience of the group of employers who have appointed an agent pursuant to Section 1096, for the purpose of any classification of employers made pursuant to this division for the determinations of future rates of employers' contributions, may be prescribed by authorized regulations. Employers who operate or do business in more than one place may, with the approval of the director, appoint a separate agent in each such place.

Same

1098. Nothing contained in Sections 1096 or 1097 shall be construed to make the agent the employer of the workers, or relieve any employer of his obligations to comply with this division, except to the extent that his obligations are discharged by the agent.

Article 7. Payment of Reported Contributions

Due and delinquent date of contributions

1110. Contributions required under this division are due and payable on the first day of the calendar month following the close of each calendar quarter and shall become delinquent if not paid on or before the last day of such month.

1111. The director for good cause may extend for not to exceed 60 days the time for making a return or paying without penalty any amount required to be paid under this division. Any employer to whom an extension is granted and who pays the amount required within the period for which the extension is granted shall pay, in addition to the contributions, interest at the rate of 3 percent per annum from the date on which the payment would have been delinquent without the extension until the date of payment. Extension of time

1112 Any employer who without good cause fails to pay any contributions required of him or of his workers, except amounts assessed under Article 8 of this chapter, within the time required shall pay a penalty of 10 percent of the amount of such contributions. Penalty

1113. Any employer who fails to pay any contributions required of him or of his workers, except amounts assessed under Article 8 of this chapter, within the time required shall become liable for interest on such contributions at the rate of one-half percent per month or fraction thereof from and after the date of delinquency until paid. Interest

1114. Any employer who, without good cause, fails to file within 15 days after service of a specific written demand therefor, a report of wages of each of his workers required by this division, shall pay in addition to other amounts required, for each unreported wage item a penalty of one dollar ($1) per month or fraction thereof, up to a maximum of three months. No penalty charged against an employer with respect to any calendar quarter under this section shall be less than four dollars ($4) or in excess of two hundred fifty dollars ($250). The specific written demand required by this section may be served either personally or by mail, addressed to the employing unit at the same address that appears on the records of the department. Service is complete at the time of deposit in the United States mail. Penalty for unreported wage items

1115. If the director finds that the collection of any contributions imposed under this division will be jeopardized in any case where an employing unit is insolvent, or is delinquent in a substantial amount of contributions due under this division, or has discontinued or is about to discontinue business at any of its known places of business, or the business is of a temporary or seasonal nature, the director may require returns or payment of contributions, or reports of wages of workers, for periods less than calendar quarters. Returns when jeopardy exists

Article 8. Assessments

1126. If any employing unit fails to make a return as required under this division the director shall make an estimate based upon any information in his possession or that may come into his possession of the amount of wages paid for employment in the period or periods for which no return was filed and upon the basis of such estimate shall compute and assess the amounts Assessment and penalty for failure to make returns

of employer and worker contributions payable by the employing unit, adding thereto a penalty of 10 percent of the amount of contributions.

Deficiency assessments

1127. If the director is not satisfied with any return made by any employing unit of the amount of employer or wage-earner contributions, he may compute the amount required to be paid upon the basis of facts contained in the return or returns or upon the basis of any information in his possession or that may come into his possession and make an assessment of the amount of the deficiency. If any part of the deficiency is due to negligence or intentional disregard of this division or authorized regulations, a penalty of 10 percent of the amount of the deficiency shall be added to the assessment

Penalty for fraud

1128. If the failure of the employing unit to file a return within the time required by this division and authorized regulations or if any part of the deficiency for which an assessment is made is due to fraud or an intent to evade this division or authorized regulations, a penalty of 25 percent of the amount of contributions assessed shall be added to the assessment.

Interest

1129. The amount of each assessment, exclusive of penalty, shall bear interest at the rate of one-half percent per month or fraction thereof from and after the last day of the month following the close of the calendar quarter for which the contributions should have been returned until the date of payment.

Offsets

1130. One or more assessments may be made for the amount due for one or for more than one period and overpayments may be offset against underpayments.

Notice of assessment

1131. The director shall give to the employing unit against whom an assessment is made a written notice of the assessment. The notice may be served personally or by mail; if by mail, service of the notice of any assessment in excess of three hundred dollars ($300) shall be made by registered mail, otherwise such service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the employing unit at its address as it appears in the records of the department. In case of service by mail, the service is complete at the time of deposit in the United States Post Office.

Time for serving notice

1132. Except in the case of failure without good cause to file a return, fraud or intent to evade any provision of this division or authorized regulations, every notice of assessment shall be made within three years after the last day of the month following the close of the calendar quarter during which the contribution liability included in the assessment accrued or within three years after the deficient return is filed, whichever period expires the later. An employing unit may waive this limitation period or may consent to its extension.

Petition for reassessment

1133 Any employing unit against whom an assessment is made under Sections 1126 or 1127 or any person directly interested in such assessment may petition for reassessment within 30 days after service of notice of the assessment. An additional 30 days for the filing of a petition may for good cause be granted by the Appeals Board. If a petition for reassessment is not filed

within the 30-day period, or within the additional period granted by the Appeals Board, the assessment becomes final at the expiration of the period.

Hearing by Appeals Board

1134. If a petition for reassessment is filed within the time prescribed, the Appeals Board shall review the assessment and if requested by the petitioner shall, unless a hearing has previously been afforded petitioner on the same grounds as set forth in the petition, grant a hearing before the Appeals Board or its duly authorized representatives, giving 10 days' notice of the time and place of the hearing. The Appeals Board may decrease or increase the amount of the assessment but the amount may be increased only if a 10-day notice of the increase is given by the Appeals Board with opportunity for hearing before the Appeals Board with respect to such increase. The order or decision of the Appeals Board upon the petition for reassessment and the assessment becomes final 30 days after service upon the petitioner of notice of the order or decision. Notices shall be served by mail addressed to the employing unit at the same address that appears on the records of the department. Such service is complete at the time of deposit in the United States mail.

Notice of order or decision by board

Penalty for delinquent assessments

1135 Assessments under this article become delinquent if not paid on or before the date they become final There shall be added to the amount of each delinquent assessment a penalty of 10 percent of the amount thereof exclusive of interest and penalties.

Cancellation of erroneous assessments

1136. The director may cancel any assessment or portion thereof which he finds to have been erroneously made, but an assessment which has become final may be canceled only upon the approval of the Appeals Board.

Jeopardy assessment

1137. If the director finds that the collection of any contributions will be jeopardized by delay he shall thereupon make an assessment of such contributions, noting upon the assessment that it is a jeopardy assessment levied under this section The amount of such assessment shall be immediately due and payable, whether or not the time otherwise allowed by law, or authorized regulations has expired. If the amount of contribution, interest and penalty specified in the jeopardy assessment is not paid within 15 days after the service upon the employer of notice of the assesment, it is final unless a petition for reassessment is filed with the Appeals Board within that time. The penalties and interest provided in Sections 1127, 1128, 1129 and 1135 in respect to assessments shall attach to the amount of the contributions specified therein.

When due and payable

Penalties

Petition for reassessment

1138. The employer against whom a jeopardy assessment is levied may petition for the reassessment thereof. The petition for reassessment must be filed with the director within 15 days after the service upon the employer of notice of the assessment and the employer must within said 15 days after demand deposit with the director such security as the director deems necessary to insure compliance with the provisions of this division.

Deposit of security

Sale of security

1139. Security deposited pursuant to Section 1138 may be sold by the director at public sale if it becomes necessary to

do so to recover any contributions, interest or penalty due. Notice of the sale may be served upon the person who deposited the securities personally or by mail. If service is by mail it shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure and addressed to the person at his address as it appears in the records of the department. Upon any such sale, the surplus, if any, above the amounts due under this division shall be returned to the person who deposited the security.

Service of notices

1140. The service of the notices provided for in Sections 1137, 1138 and 1139 may be made personally or by registered mail addressed to the employing unit at its address appearing on the records of the department. Such service is complete at the time of deposit in the United States mail.

Article 9. Refunds and Overpayments

Refunds of excess employee contributions

1176. If, by reason of an employee receiving wages from more than one employer during any calendar year after the calendar year 1946, the wages received by him during such year exceed three thousand dollars ($3,000), and the sum of the amount of tax imposed by Section 984 plus the amount of any contributions under Section 3260 deducted from such wages exceeds thirty dollars ($30), the employee is entitled to a refund of the amount of the excess. Refunds under this section shall be made by the director from the Disability Fund if, within six months after the calendar year in which the excess wages are received, the employee makes a claim establishing his right to the refund. No interest shall be allowed or paid with respect to such refund. The director shall in accordance with authorized regulations determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to voluntary plans for which deductions were made under Section 3260, such determination to be based upon the relation during the preceding calendar year of the amount of wages subject to contributions to the Disability Fund to the amount of wages exempt from contributions to the Disability Fund under Section 3252. The director shall in accordance with authorized regulations prorate such aggregate amount among the applicable voluntary plans and shall assess and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Section 3265 in respect to assessment and recovery of amounts paid by the Disability Fund shall apply to the assessments under this section.

Apportionment of refund

Credit or refund of overpayments

1177. If the director determines that any amount of contributions, penalty or interest has been erroneously or illegally collected he shall set forth on the records of the department the amount collected in excess of the amount legally due and the name of the employing unit or other person by whom it was paid and shall if a claim has not already been filed give notice to such employing unit or other person of such amount. The

excess amount shall be credited on any amounts then due from or accrued against the employing unit and the balance shall be refunded to the employing unit or its successor, administrators or executors.

1178. No refund or credit shall be allowed unless:

(a) A claim therefor is filed with the director within three years from the last day of the calendar month following the close of the calendar quarter for which the overpayment was made or within six months after assessments made under Article 8 of this chapter become final or within 60 days from the date of overpayment, whichever period expires the later, but prior to the expiration of such periods the director may allow credits on his own initiative even though no claim is filed. Time for filing claim

(b) The employing unit conforms, within one year after the allowance of credit or approval of the claim for refund, to authorized regulations with respect to the refund to workers entitled thereto of any money deducted by the employing unit under Section 984. Wage earner refunds

1179. Every claim for refund shall be in writing and shall state the specific grounds upon which the claim is founded. Failure to file a claim with the director or after denial thereof by the director, to file a petition for review with the Appeals Board within the time prescribed by Sections 1178 and 1180 constitutes a waiver of any demand against the State or the director on account of overpayment. Contents of claim

1180. The director shall give notice to the claimant whenever he disallows any claim for refund in whole or in part, notice to be served in the manner prescribed for service of notice of assessments under Section 1131. Notice of disallowance

Within 30 days of notice of disallowance, the claimant may file with the Appeals Board a petition for review of the claim. If the petition is filed within the time prescribed the Appeals Board shall review the claim and, if requested by the claimant, shall grant a hearing before the board or its authorized representative, giving 10 days' notice of the time and place of the hearing. A hearing is not required on such petition if a prior hearing has been afforded claimant involving the same issues, but regardless of any prior proceedings, if the claimant files an affidavit setting forth new and additional evidence in support of his claim, the Appeals Board may grant an additional hearing under this section. Petition for review Hearing

1181. Interest shall be allowed and paid only to the extent that interest and penalties collected under this division are available therefor upon any overpayment of contributions at the rate of 6 percent per annum from the date of overpayment to the date of the allowance of the refund or credit, but no interest shall be allowed if the director determines that any overpayment was made intentionally or by reason of negligence on the part of the employing unit. Interest

1182. No suit or proceeding shall be maintained in any court for the recovery of any amount of contributions, interest or penalties alleged to have been erroneously or illegally Action to recover contributions paid

assessed or collected unless a claim for refund or credit has been filed pursuant to this article. Within 90 days after the mailing of the notice of the action by the Appeals Board upon such claim, the claimant may bring an action against the director on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed. The director may in writing extend for a period of not exceeding two years the time within which such action may be instituted if written request for such extension is filed with the director within the 90-day period. Failure to bring action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments. If the director fails within 60 days to mail notice of an action on a claim after the claim is filed the claimant may consider the claim denied and file a petition for review of the denial with the Appeals Board as set forth in this article. If the Appeals Board fails to mail notice of action on any petition for review within 90 days after such petition is filed with the Appeals Board the claimant may consider the claim disallowed and may bring an action against the director as provided herein.

Judgment

1183. If in any action authorized by Section 1182 judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any contributions, interest and penalties due from the plaintiff under this division, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed and paid only to the extent that interest and penalties collected under this division are available therefor, at the rate of 6 percent per annum upon the amount of contributions found to have been illegally collected from the date of payment of the contributions to the date of the judgment.

Interest

Recovery of erroneous refunds

1184. If any refund or portion thereof is erroneously made, the director shall assess such amount to the employing unit or other person to whom the refund was made, together with any interest paid thereon, but no assessment shall be made with respect to any amount of wage-earner contributions which the employer has refunded to his employees. The amount of the assessment shall bear interest at the rate of 6 percent per annum commencing 30 days after the service of notice of such assessment, if not paid within such period, until the date of repayment. The director shall give the employing unit against whom the assessment is made a written notice of the assessment in accordance with the provisions of Section 1131. Such notice must be given within three years from the date the refund was made unless the employing unit waives this limitation period or consents to its extension. Sections 1133, 1134, 1135 and 1136 shall be applicable to assessments made under this section. The director shall collect the amount of any assessment made under this section in the same manner that other assessments are collected.

CHAPTER 5. UNEMPLOYMENT COMPENSATION BENEFITS

Article 1. Eligibility and Disqualifications
(Amended by Stats. 1953, Ch. 1294)

[ORIGINAL HEADING]
Article 1. Eligibility

1251. Unemployment compensation benefits are payable from the Unemployment Fund to unemployed individuals who are eligible under this part. Unemployment compensation benefits

1252. An individual is "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to that week are less than his weekly benefit amount. Authorized regulations shall be prescribed making such distinctions as may be necessary in the procedures applicable to unemployed individuals as to total unemployment, part-total employment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work. For the purpose of this section only the term "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor. "Unemployed" defined

1253. An unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the director finds that: Eligibility for benefits

(a) A claim for benefits with respect to that week has been made in accordance with authorized regulations.

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the director may approve. Either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs.

(c) He was able to work and available for work for that week, and had made such effort to seek work on his own behalf as may be required in accordance with such regulations as the director shall prescribe.

(d) He has been unemployed for a waiting period of one week as defined in Section 1254.

(Amended by Stats. 1953, Ch. 1289.)

[ORIGINAL SECTION]

1253. An unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the director finds that:

(a) A claim for benefits with respect to that week has been made in accordance with authorized regulations.

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the director may approve. Either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs.

(c) He was able to work and available for work for that week.

(d) He has been unemployed for a waiting period of one week as defined in Section 1254.

(e) He has made such effort to seek work on his own behalf as may be required by authorized regulations.

Waiting period week

1254. No week shall be counted as a week of unemployment under subdivision (d) of Section 1253:

(a) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of unemployment compensation benefits, but this requirement shall not interrupt the payment of such benefits for consecutive weeks of unemployment. The week immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into that benefit year shall be deemed, for the purposes of this section only, to be within such benefit year as well as within the preceding benefit year.

(b) If unemployment compensation benefits have been paid with respect to that week.

(c) Unless the individual was eligible for unemployment compensation benefits with respect thereto in all respects, except for the requirements of subdivision (d) of Section 1253 and Section 1281.

Ineligibility due to receipt of other benefits

1255. An individual is not eligible for unemployment compensation benefits on account of unemployment for any week or part of any week with respect to which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States. If the appropriate agency of the other state or of the United States finally determines that he is not entitled to unemployment compensation benefits, this section shall not apply.

Disqualification

1256. An individual is disqualified for unemployment compensation benefits if the director finds that he left his most recent work voluntarily without good cause or that he has been discharged for misconduct connected with his most recent work.

An individual is presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer has given written notice to the contrary to the director within five days after the termination of service, setting forth facts sufficient to overcome the presumption. If the employer files such notice, the question shall immediately be determined in the same manner as benefit claims.

(Added by Stats. 1953, Ch. 1294.)

Same

1257. An individual is also disqualified for unemployment compensation benefits if:

(a) He wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any unemployment compensation benefits under this division.

(b) He, without good cause, refused to accept suitable employment when offered to him, or failed to apply for suitable employment when notified by a public employment office.

(Added by Stats. 1953, Ch. 1294.)

1258. "Suitable employment" means work in the individual's usual occupation or for which he is reasonably fitted, regardless of whether or not it is subject to this division. "Suitable employment"

In determining whether the work is work for which the individual is reasonably fitted, the director shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence. Any work offered under such conditions is suitable if it gives to the individual wages at least equal to his weekly benefit amount for total unemployment.

In any particular case in which the director finds it impracticable to apply one of the foregoing standards he may apply any standard which is reasonably calculated to determine what is suitable employment.

(Added by Stats. 1953, Ch. 1294.)

1259. Notwithstanding any other provisions of this division, no work or employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible and qualified individual for refusing new work under any of the following conditions: Where benefits not denied

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(Added by Stats. 1953, Ch. 1294.)

1260. If an individual is disqualified under Section 1256 or 1257, under a determination transmitted to him by the department, he is ineligible to receive unemployment compensation benefits for the week subsequent to the occurrence of the cause of his disqualification in which he first registers for work and for not more than four weeks which immediately follow that week. An individual so disqualified shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown. Period of disqualification

(Added by Stats. 1953, Ch. 1294.)

1261. When successive disqualifications under Sections 1256 or 1257 occur, the director may extend the period of ineligibility provided for in Section 1260 for an additional period not to exceed eight additional weeks. Successive disqualifications

(Added by Stats. 1953, Ch. 1294.)

1262. An individual is not eligible for unemployment compensation benefits, and no such benefit shall be payable to him, if he left his work because of a trade dispute. Such individual shall remain ineligible for the period during which he continues Trade dispute

out of work by reason of the fact that the trade dispute is still in active progress in the establishment in which he was employed.

(Added by Stats 1953, Ch. 1294.)

Fraud conviction cancels wage credits

1263 Any individual convicted under Section 2101 by any court of competent jurisdiction of wilfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this division shall forfeit any rights to benefits after such conviction based upon any wages paid to him in the calendar quarter in which the offense occurred and in all prior calendar quarters.

(Added by Stats 1953, Ch. 1294.)

Article 2. Computation (Amount and Duration)

"Base period"

1275. Unemployment compensation benefit award computations shall be based on wages paid in the base period. "Base period" means: for benefit years beginning in November, December, or January, the four calendar quarters ended in the next preceding month of June; for benefit years beginning in February, March, or April, the four calendar quarters ended in the next preceding month of September; for benefit years beginning in May, June, or July, the four calendar quarters ended in the next preceding month of December; for benefit years beginning in August, September, or October, the four calendar quarters ended with the next preceding month of March. Wages used in the determination of benefits payable to an individual during any benefit year shall not be used in determining such individual's benefits in any subsequent benefit year.

"Benefit year"

1276. "Benefit year," with respect to any individual, means the one-year period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and thereafter the one-year period beginning with the day on which such individual again files a valid claim after the termination of his last preceding benefit year. As used in this section, "valid claim" means any claim for benefits made in accordance with the provisions of this division and authorized regulations if the individual filing the claim is unemployed and has been paid not less than the minimum amount of wages in employment for employers necessary to qualify for benefits.

Requirement for using lag period wages

1277. Wages paid prior to the filing of a valid claim and not used in the computation of the award may be used for the purpose of computing the amount of any other award only if within the 12-month period following the date of the filing of the valid claim the individual was paid sufficient wages to meet the eligibility requirements of Section 1281. This section is not applicable to the computation of an award for disability benefits but the establishment of a valid claim for disability benefits shall not constitute a valid claim for unemployment compensation benefits unless the claimant has sufficient wages to entitle the claimant to an award under this section.

Disability claims not affected

1278. For the purposes of this chapter, wages shall be counted as "wages for employment for employers" for benefit purposes with respect to any benefit year only if the benefit year begins subsequent to the date on which the employer from whom the wages were earned has satisfied the conditions of this division with respect to being an employer. "Wages for employment for employers"

1279. Each individual eligible under this chapter who is unemployed in any week shall be paid with respect to that week an unemployment compensation benefit in an amount equal to his weekly benefit amount less the amount of wages in excess of three dollars ($3) payable to him for services rendered during that week. The benefit payment, if not a multiple of one dollar ($1), shall be computed to the next higher multiple of one dollar ($1). For the purpose of this section only "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor. Benefits during partial employment

1280. An individual's "weekly benefit amount" is the amount appearing in Column B in the following table opposite that wage bracket in Column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest. "Weekly benefit amount"

A Amount of wages in highest quarter	B Weekly benefit amount
$75.00-$199.99	$10
200.00- 219.99	11
220.00- 239.99	12
240.00- 259.99	13
260.00- 279.99	14
280.00- 299.99	15
300.00- 319.99	16
320.00- 339.99	17
340.00- 359.99	18
360.00- 379.99	19
380.00- 419.99	20
420.00- 459.99	21
460.00- 499.99	22
500.00- 539.99	23
540.00- 579.99	24
580.00 and over	25

1281. (a) An individual cannot establish a valid claim or a benefit year during which any benefits are payable unless he has during his base year been paid wages for employment by employers of not less than three hundred dollars ($300). If more than 75 percent of his base-period wages were paid during a single calendar quarter, he is not eligible for unemployment compensation benefits unless his total wages during the base period are not less than 30 times his weekly benefit amount. Minimum earnings requirement

(b) The maximum amount of unemployment compensation benefits payable to an individual during any one benefit year Maximum benefits payable

shall be 26 times his weekly benefit amount but in no case shall the total amount of such benefits payable be more than one-half the total wages paid to the individual during his base period. If the benefit is not a multiple of one dollar ($1) it shall be computed to the next higher multiple of one dollar ($1).

Wages due and unpaid

(c) For the purpose of this section and Section 1280, "wages" includes wages due to any individual but unpaid within the time limit provided by law.

(Article 3 repealed by Stats. 1953, Ch. 1294)

[ORIGINAL ARTICLE]

Article 3. Disqualifications

1301. An individual is disqualified for unemployment compensation benefits if the director finds that he left his most recent work voluntarily without good cause or that he has been discharged for misconduct connected with his most recent work.

An individual is presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer has given written notice to the contrary to the director within five days after the termination of service, setting forth facts sufficient to overcome the presumption. If the employer files such notice, the question shall immediately be determined in the same manner as benefit claims

1302. An individual is also disqualified for unemployment compensation benefits if:

(a) He wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any unemployment compensation benefits under this division.

(b) He, without good cause, refused to accept suitable employment when offered to him, or failed to apply for suitable employment when notified by a public employment office.

1303. "Suitable employment" means work in the individual's usual occupation or for which he is reasonably fitted, regardless of whether or not it is subject to this division.

In determining whether the work is work for which the individual is reasonably fitted, the director shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence. Any work offered under such conditions is suitable if it gives to the individual wages at least equal to his weekly benefit amount for total unemployment.

In any particular case in which the director finds it impracticable to apply one of the foregoing standards he may apply any standard which is reasonably calculated to determine what is suitable employment.

1304. Notwithstanding any other provisions of this division, no work or employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible and qualified individual for refusing new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

1305. If an individual is disqualified under Section 1301 or 1302, under a determination transmitted to him by the department, he is ineligible to receive unemployment compensation benefits for the week subsequent to the occurrence of the cause of his disqualification in which he first registers

for work and for not more than four weeks which immediately follow that week An individual so disqualified shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown.

1306. When successive disqualifications under Sections 1301 or 1302 occur, the director may extend the period of ineligibility provided for in Section 1305 for an additional period not to exceed eight additional weeks.

1307. An individual is not eligible for unemployment compensation benefits, and no such benefit shall be payable to him, if he left his work because of a trade dispute Such individual shall remain ineligible for the period during which he continues out of work by reason of the fact that the trade dispute is still in active progress in the establishment in which he was employed.

1308. Any individual convicted under Section 2101 by any court of competent jurisdiction of wilfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this division shall forfeit any rights to benefits after such conviction based upon any wages paid to him in the calendar quarter in which the offense occurred and in all prior calendar quarters.

Employee leaving to be married, etc

1309. Notwithstanding any other provision of this division, an employee who leaves his or her employment to be married or to accompany his or her spouse to or join her or him at a place from which it is impractical to commute to such employment or whose marital or domestic duties cause him or her to resign from his or her employment shall not be eligible for unemployment insurance benefits for the duration of the ensuing period of unemployment and until he or she has secured bona fide employment subsequent to the date of such voluntary leaving; provided that, notwithstanding any other provision of this division, this section shall apply only to claims for unemployment compensation benefits and shall not apply to claims for unemployment compensation disability benefits. The provisions of this section shall not be applicable if the individual at the time of such voluntary leaving was and at the time of filing a claim for benefits is the sole or major support of his or her family.

(Added by Stats 1953, Ch 1830.)

Article 3. Filing, Determination, and Payment of Unemployment Compensation Benefit Claims

(Amended by Stats 1953, Ch. 1294)

[ORIGINAL HEADING]

Article 4. Filing, Determination, and Payment of Unemployment Compensation Benefit Claims

Filing benefit claims

1326. Claims for unemployment compensation benefits shall be made in accordance with authorized regulations. Except as otherwise provided in this article, benefits shall be promptly paid if the claimant is found eligible or promptly denied if the claimant is found ineligible.

Notice of claim filed

1327. A notice of the filing of a new or additional claim shall be given to the employing unit by which the claimant was last employed immediately preceding the filing of such claim, and the employing unit so notified shall submit within 10 days after

the mailing of such notice any facts then known which may affect the claimant's eligibility for benefits.

Determination of eligibility

1328. The facts submitted by an employer pursuant to Section 1327 shall be considered and a determination made as to the claimant's eligibility for benefits. The claimant and any employer who prior to the determination has submitted any facts or given any notice pursuant to Section 1327 and authorized regulations shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of notice of the determination. The 10-day period may be extended for good cause.

Computation of benefit amount

1329. Upon the filing of a new claim for benefits, a computation on the claim shall promptly be made, which shall set forth the maximum amount of benefits potentially payable during the benefit year and the weekly benefit amount. The claimant and each of the claimant's base period employers shall be promptly notified of the computation.

Protest of computation

1330. Upon the receipt of notice of the computation, the claimant and any base period employer so notified may protest the accuracy of the computation. Any such protest shall be considered and a determination made as to the accuracy of the computation. The claimant and the base period employer submitting the protest shall be promptly notified of the determination and may appeal therefrom in the manner prescribed in Section 1328.

Submission of facts by base period employer

1331. Upon the receipt of notice of the computation, any base period employer so notified shall submit any facts then known which he was not previously required to submit under Section 1327 which may affect the claimant's eligibility for benefits. A determination shall be made thereon and the claimant and the base period employer submitting the facts shall be promptly notified of the determination and the reasons therefor. An appeal may be taken in the manner prescribed in Section 1328.

Reconsideration of computation or determination

1332. Any computation or determination provided for in this article may for good cause be reconsidered by the department prior to the filing of an appeal therefrom. Notice of any reconsidered determination shall be given promptly to the claimant and any employer or employing unit which received notice under Sections 1327 and 1329, and the claimant or employer may appeal therefrom in the manner provided in this article for appeals from other determinations.

Regulations on notices and protests

1333. Notices, protests, and information required under this article shall be submitted in accordance with authorized regulations.

Hearing and decision by referee

1334. A referee after affording a reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm, reverse, or modify any determination which is appealed under this article. The claimant and any employer becoming a party to the appeal by submitting a protest or information pursuant to Sections 1326 to 1333, inclusive, of this article shall be promptly notified in writing of the referee's decision, together

with his reasons therefor. The decision shall be final unless, within 10 days after mailing of such decision, further appeal is initiated to the Appeals Board pursuant to Section 1336. The 10-day limitation may be extended for good cause.

Payment pending appeal

1335. If an appeal is filed, benefits with respect to the period prior to the final decision on the appeal shall be paid only after such decision, except that:

(a) If benefits for any week are payable in accordance with a determination by the department irrespective of any decision on the issues set forth in the appeal, such benefits shall be promptly paid regardless of such appeal, or

(b) If a referee affirms a determination allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, and regardless of any action taken under Section 1336 or otherwise by the director, Appeals Board, or other administrative body or by any court.

If such determination is finally reversed, no employer's account shall be charged with benefits paid because of that determination.

Proceedings by Appeals Board

1336. Any party to a decision by a referee may appeal to the Appeals Board from the decision. The Appeals Board may on its own motion affirm, modify, or set aside any decision of a referee on the basis of the evidence previously submitted in the case, or may direct the taking of additional evidence. The Appeals Board may remove to itself or transfer to another referee the proceedings on any claim pending before a referee. The Appeals Board shall promptly notify the parties to any proceedings of its findings and decision.

Time limit on decisions of board

1337. The decision of the Appeals Board on an appeal from the findings of a referee must be rendered within 60 days after the filing of the appeal unless the board requires the taking of further evidence. If the Appeals Board requires the taking of further evidence, the hearing shall be commenced within 60 days after the filing of the appeal, and the decision of the board shall be filed within 60 days after completion of the hearing.

Appeals Board decision

1338. If the Appeals Board issues a decision allowing benefits the benefits shall be paid regardless of any further action taken by the director, the Appeals Board, or any other administrative agency, and regardless of any appeal or mandamus, or other proceeding in the courts. If the decision of the Appeals Board is finally reversed or set aside, no employer's account shall be charged with the benefits paid pursuant to this section.

Benefits to be paid through employment offices

1339. Unemployment compensation benefits shall be paid through public employment offices or such other agency as may be prescribed by authorized regulations.

Minors

1340 Minors who are eligible for benefits may be paid and receive benefits in their own right, and a receipt signed by a minor shall be valid and binding.

Payments of benefits due deceased, etc

1341. Benefits due a deceased or legally declared incompetent person may be paid to such person or persons as appears to the director to be legally entitled thereto in accordance with

authorized regulations. Such payment shall be made upon affidavit executed by the person or persons claiming to be entitled to the benefits and the receipt of the affidavit or affidavits shall fully discharge the director from any further liability with reference to the payment, without the necessity of inquiring into the truth of any of the facts stated in the affidavit.

Benefit rights cannot be waived

1342. Any waiver by any person of any benefit or right under this division is invalid. Benefits are not subject to assignment, release or commutation, and are exempt from all claims of creditors and from all process of law except collection thereof by the person entitled thereto in his own right. Any agreement by any individual in the employ of any person or concern to pay all or any portion of the contributions required of his employer under this division is void.

Article 4. Benefit Overpayments
(Amended by Stats. 1953, Ch. 1294)

[ORIGINAL HEADING]

Article 5. Benefit Overpayments

Liability for overpayments of benefits

1375. Any person who is overpaid any amount as benefits under this division is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or wilful nondisclosure on the part of the recipient, and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience.

Notice

1376. The amount of the overpayment shall be assessed to the liable person and he shall be notified of the basis of the assessment. In the absence of fraud, misrepresentation, or wilful nondisclosure, notice of such assessment shall be mailed or personally served not later than one year after the close of the benefit year in which the overpayment was made.

Appeal

1377. Within 10 days from the date of mailing or serving of the notice of overpayment, the person affected may file appeal to a referee. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, set aside, or modify the findings set forth in the notice of overpayment. The party shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 10 days from the date of notification or mailing of the decision a further appeal is initiated to the Appeals Board pursuant to Section 1336. The 10-day period for an appeal to the referee or to the Appeals Board may be extended for good cause.

Determination by Appeals Board

1378. The Appeals Board after affording the person a hearing shall review the overpayment and determine what amount, if any, shall be recovered.

Recovery

1379. The director, subject to the provisions of this article, may recover the amount of overpayment by filing a civil action within one year after the notice of the overpayment or by off-

setting that amount against any amount of benefits to which the liable person is entitled in any benefit year which begins during the one-year period next succeeding the date of the notice.

No recovery if determination affirmed

1380. No person shall be liable for the amount of benefits received where the benefits were paid pursuant to a referee's decision which affirmed an initial determination or in accordance with a final decision of the Appeals Board, regardless of any further appeal. An employer's experience rating account shall not be charged with any benefits erroneously or unlawfully paid.

Article 5. Benefit Rights of Trainees

(Amended by Stats. 1953, Ch 1294)

[ORIGINAL HEADING]

Article 6. Benefit Rights of Trainees

Benefit rights of "trainees"

1401. Notwithstanding any inconsistent provisions of this division the benefit rights of trainees shall be determined in accordance with the provisions of this article for the periods and with respect to the matters specified in this article. Except as otherwise provided in this article all other provisions of this division shall continue to be applicable in connection with such benefits.

"Military service"

1402. "Military service" as used in this article means active service in the land or naval forces of the United States, but the service of an individual in any reserve component of the land or naval forces of the United States who is ordered to active duty in any such force for a period of 30 days or less shall not be deemed active service in that force during that period.

"Trainee"

1403. "Trainee" as used in this article means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before the ninetieth day after the final adjournment of the 1955 Regular Session of the Legislature.

(Amended by Stats. 1953, Ch. 1883.)

[ORIGINAL SECTION]

1403. "Trainee" as used in this article means: (a) an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before October 1, 1947; and (b) an individual who entered military service after June 1, 1950, and whose military service was terminated on or before July 1, 1953.

Re-established benefit balances

1404. When any trainee has an unexpired benefit year at the time of induction into the armed forces, the unexpended balance of benefits remaining to his account shall be re-established beginning with the first day of the first week succeeding the date of his termination of service. Whenever this balance is exhausted the trainee may file a claim and his base period shall be determined in accordance with Section 1406. All re-established balances shall lapse 65 weeks after termination of military service.

Benefit year

1405. Except as provided in Section 1404, the benefit year of all trainees shall be one year from the first day of the first week following the date of termination of military service.

(Amended by Stats 1953, Ch. 1883.)

[ORIGINAL SECTION]

1405 Except as provided in Section 1404, the benefit year of all trainees shall be 52 weeks from the first day of the first week following the date of termination of military service.

Base period, use of "frozen" wage credits

1406. With respect to the determination of the benefit rights of any trainee, the base period shall exclude those quarters during which the trainee was in military service 60 days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service. The quarter of entry into military service shall be counted as a completed quarter if the director finds that the inclusion thereof would be more equitable to the trainee.

(Amended by Stats 1953, Ch. 1883.)

[ORIGINAL SECTION]

1406. With respect to the determination of the benefit rights of any trainee, the base period shall consist of the first four out of the last five completed calendar quarters, excluding those quarters during which the trainee was in military service 60 days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service. The quarter of entry into military service shall be counted as a completed quarter if the director finds that the inclusion thereof would be more equitable to the trainee.

Disqualifications

1407. No disqualification shall be applied to any trainee after the termination of his military service, by reason of any act or course of action on his part prior to the date of his entry into such service.

Benefits under federal act

1408. If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a trainee shall be disqualified for unemployment compensation benefits with respect to any week for which he receives such federal benefits and no unemployment compensation benefits shall be paid under this article until he has exhausted all his rights to such payments from the United States unless such payments from the United States are payable as a supplement to the benefits provided for under this article, in which case, the weekly benefit amount payable to the trainee pursuant to this article shall be in an amount which when added to the supplemental benefit payable by the United States, will not exceed the greater of the maximum weekly benefits permitted under either this article or the federal act providing for the payment of such supplemental benefits.

(Amended by Stats. 1953, Ch. 1883.)

[ORIGINAL SECTION]

1408 If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a trainee shall be disqualified for unemployment compensation benefits with respect to any week for which he receives such federal benefits and no unemployment compensation benefits shall be paid under this article until he has exhausted all his rights to such payments from the United States.

CHAPTER 6. FINANCIAL PROVISIONS

Article 1. Deposit Account

1501. The director may in accordance with law deposit for the purpose of clearance all money collected under this division, in a state or national bank in this State. After clearance the money so deposited shall be deposited in the State Treasury to the credit of the proper fund as prescribed in this division.

Clearing account

Article 2. Unemployment Fund

(Article 2 added by Stats. 1953, Ch. 313, as part of codification)

1521. The Unemployment Fund is continued in existence as a special fund, separate and apart from all public money or funds of this State. This fund shall consist of (1) all employer contributions collected under this division; (2) interest earned upon any money in the fund; (3) any property or securities acquired through the use of money belonging to the fund; (4) all earnings of such property or securities; and (5) all other money received for the fund from any other source. All money in the fund shall be mingled and undivided.

Unemployment Fund

All money in the Unemployment Fund and in the various accounts of that fund is continuously appropriated without regard to fiscal years for the purposes authorized in this article.

1522. The Unemployment Fund shall be administered by the director exclusively for the purposes of this division without liability upon the part of the State beyond the amounts paid into and earned by the fund.

Administered by director

1523. Withdrawals by the director from the Unemployment Fund are exempted from the operation of Sections 16002 and 16003 of the Government Code.

Withdrawals

1524. The State Treasurer is ex officio the treasurer and custodian of the Unemployment Fund. He shall administer the fund in accordance with the directions of the director. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Unemployment Fund.

State Treasurer custodian

1525. There shall be maintained within the fund three separate accounts:

Separate accounts maintained

(a) A clearing account.

(b) An Unemployment Trust Fund account.

(c) A benefit account.

1526. All contributions and amounts payable to the Unemployment Fund after proper clearance shall be forwarded to the Treasurer who shall immediately deposit them in the clearing account.

Clearing account

1527. Immediately after clearance, all money in the clearing account except interest on contributions, penalties and fines collected shall be deposited in or invested in the obligations of the Unemployment Trust Fund of the United States of America or its authorized agent to the credit of this State, any provisions of law in this State relating to the deposit, administra-

Unemployment Trust Fund account

tion, release, or disbursement of money in the possession or custody of this State to the contrary notwithstanding. The amounts so deposited or invested shall be entered in the Unemployment Trust Fund account.

Benefit account

1528. The benefit account consists of all money requisitioned from this State's account in the Unemployment Trust Fund, and any money so requisitioned shall be transferred out of the Unemployment Trust Fund account into the benefit account.

Requisition of amounts for benefit account appropriation

1529. Money shall be requisitioned from this State's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with authorized regulations. The director shall from time to time requisition from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to this State's account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the Treasurer shall deposit such money in the benefit account of the Unemployment Fund. Any balance of money requisitioned from the Unemployment Trust Fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be considered in preparing subsequent estimates and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the Unemployment Trust Fund.

Disposition of funds upon termination of Unemployment Trust Fund

1530. The provisions of this article to the extent that they relate to the Unemployment Trust Fund, shall be operative only so long as that fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this State a separate book account of all funds deposited therein by this State for benefit purposes, together with this State's proportionate share of the earnings of the Unemployment Trust Fund, from which no other state nor the United States is permitted to make withdrawals. If and when such Unemployment Trust Fund ceases to exist, or such separate book account is no longer maintained, all money, properties, or securities therein, belonging to the Unemployment Fund of this State shall be transferred to the treasurer of the Unemployment Fund, who shall hold, invest, transfer, sell, deposit, and release such money, properties, or securities in a manner approved by the director in accordance with the provisions of this division. Such money shall be invested in bonds or other interest-bearing obligations of the United States of America or the State of California. Such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The Treasurer shall dispose of securities or other properties belonging to the Unemployment Fund only under the direction of the director.

1531. The director shall, without presenting vouchers and itemized statements therefor, withdraw from the benefit account any sums which he deems necessary for the payment of benefits for a reasonable future period. The Controller shall draw his warrant for any claim presented by the director for the payment of benefits under this account and the Treasurer shall pay the warrant. Upon the withdrawal thereof, such sums shall be deposited in a benefit payment account in such bank or public depository and under such conditions as the director determines, with the approval of the Department of Finance. Such bank or public depository shall be one in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the benefit payment account. The director may, out of funds available for administration, pay premiums on insurance for the protection of money in his possession.

Withdrawals from benefit account

Protection of money

1532. Money in the benefit payment account shall be used solely to pay benefits pursuant to authorized regulations and no other disbursement shall be made therefrom, but amounts erroneously and illegally deposited in such account may be refunded therefrom. The procedure prescribed by such regulations shall be deemed to satisfy and shall be in lieu of any and all statutory requirements not contained in this division of specific appropriation or other form of release by state officers of money in their custody prior to expenditure which might otherwise be applicable to withdrawals from the benefit payment account. Any balance of money withdrawn from the benefit account which remains unclaimed or unpaid in the benefit payment account after the expiration of the period for which such sums were withdrawn shall be considered in preparing subsequent estimates and may be utilized for the payment of benefits during succeeding periods or, in the discretion of the director, shall be redeposited in the benefit account.

Used solely for benefit payments

1533. Except as otherwise provided in this chapter, money in the clearing and benefit accounts may be deposited by the Treasurer, under the direction of the director, in any bank or public depositary in which public funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Money in the clearing and benefit accounts shall not be commingled with other state funds, but shall be maintained in a separate account on the books of the depositary. Such money shall be secured by the bank or public depositary to the same extent and in the same manner as required under Chapter 4, Part 2, Division 4, Title 2 of the Government Code and collateral pledged shall be maintained in a separate custody account.

Money in clearing and benefit accounts

1534. Refunds or judgments payable pursuant to this part may be paid from the clearing account or from the benefit account with respect to any money erroneously deposited therein, upon warrants issued by the Controller under the direction of and in accordance with authorized regulations. Refunds of interest, penalties and fines collected after January 29, 1945, and

Refunds or judgments

interest payable on refunds and judgments pursuant to this division may not be paid from the benefit account but may be paid from the clearing account to the extent that interest, penalties and fines collected are currently on deposit in that account.

Contingent appropriation for administration

1535. During such time as the Federal Social Security Act and Federal Unemployment Tax Act are amended so as to remove the requirement that all money withdrawn from the Unemployment Fund be used solely in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of Section 1606 (b) of the Federal Unemployment Tax Act, then notwithstanding any other provisions of this division to the contrary there is hereby continuously appropriated out of the Unemployment Fund for the purpose of administering this division, including salaries and other expenses of the Department of Employment and the acquisition of necessary real property, all amounts collected under Section 993.

(Added by Stats. 1953, Ch. 312, as part of codification.)

Unclaimed refunds

1536. Any amounts determined by the director or his authorized representatives to be payable to employing units as refunds of contributions erroneously paid which are unclaimed at the end of three years from such determination shall be included in the revenue to the Unemployment Fund or in the case of interest or penalties, to the Department of Employment Contingent Fund. The employing unit or person entitled to such payment shall not thereafter maintain any claim, action or proceeding with respect to such amounts.

Same

1537. Whenever any warrant drawn on an account in the Unemployment Fund or on the Unemployment Administration Fund or the Department of Employment Contingent Fund by the State Controller or the director remains unclaimed after three years the amount thereof shall revert to the account and the fund from which the amount was payable.

Article 3. Administration Fund

(Article 3 added by Stats. 1953, Ch. 311, as part of codification)

"Unemployment Administration Fund"

1555. The Unemployment Administration Fund is continued in existence as a special fund in the State Treasury. All money which is deposited or paid into this fund is hereby continuously appropriated and made available to the director for the purposes authorized in this article without regard to fiscal years. Any balances in this fund shall not lapse at any time, but shall be continuously available to the director for expenditure consistent with the purposes authorized.

Same

1556. The Unemployment Administration Fund shall consist of all money appropriated by this State for the purpose of administering this part, and all money received from the United States of America, or any agency thereof, including the Social Security Administration, the Railroad Retirement Board and the United States Employment Service, or from any other

source, for such purpose. Money received from the Railroad Retirement Board as compensation for services or facilities supplied to it shall be deposited in this fund.

Separate account

1557. Money in the Unemployment Administration Fund shall not be commingled with other state funds, but shall be maintained in a separate account on the books of the depositary. Such money shall be secured by the depositary in which it is held to the same extent and in the same manner as required under Chapter 4, Part 2, Division 4, Title 2 of the Government Code, and collateral pledged shall be maintained in a separate custody account.

Cost of administration

1558. All money in the Unemployment Administration Fund shall be expended solely for the purpose of defraying the cost of the administration of this division, and for no other purpose whatsoever, and all money received from the Federal Government for the fund pursuant to Section 302 of the Social Security Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Administration for the proper and efficient administration of this division.

Revolving fund

1559. All money in the Unemployment Administration Fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, but the director may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one million dollars ($1,000,000) to be used as a revolving fund where payment of compensation earned, traveling expense advances, or other cash payments are necessary. At the close of each fiscal year or at any other time, upon the demand of the Department of Finance, the money so drawn shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

Deposit

1560. All money in the Unemployment Administration Fund, in excess of current requirements, and not otherwise invested, may be deposited by the State Treasurer in banks and otherwise held and invested by him in the same manner as provided by law in the case of other special funds in the State Treasury, and under the same rules and regulations that govern the deposit of other public funds.

State Treasurer liable

1561. The State Treasurer is liable on his official bond for the faithful performance of his duties in connection with the Unemployment Administration Fund. This liability shall exist in addition to any liability upon any separate bond now existing or which may be given in the future. All sums recovered on the official bond for losses sustained by the Unemployment Administration Fund shall be deposited in that fund.

Obligation of State to replace federal advances

1562. This State recognizes its obligations to replace, and pledges the faith of this State that funds will be provided in the future, and applied to the replacement of, any money received after July 1, 1941, from the Federal Government under Title 3 of the Social Security Act, any unencumbered

balances in the Unemployment Administration Fund as of that date, any money thereafter granted to this State pursuant to the provisions of the Wagner-Peyser Act, and any money thereafter made available by this State or its political subdivisions matched by money granted to this State pursuant to the provisions of the Wagner-Peyser Act, which the Social Security Board finds have, because of any action or contingency, been lost or expended for purposes other than, or in amounts in excess of, those found necessary by the Social Security Board for the proper administration of this part. Such money shall be replaced within a reasonable time by money appropriated by the Legislature from the general funds of this State to the Unemployment Administration Fund. The director shall report to the Director of Finance, in the same manner as is provided generally for the submission of financial requirements for the ensuing year, and the Governor shall include in his budget report to the next regular session of the Legislature, the amount required for such replacement.

Article 4. Contingent Fund

(Article 4 added by Stats. 1953, Ch. 310, as part of codification)

Department of Employment Contingent Fund

1585. The Department of Employment Contingent Fund is continued in existence as a special fund in the State Treasury. All interest on contributions and penalties collected under this division shall be deposited in or transferred to this fund.

Appropriation

1586. All amounts in the Contingent Fund are hereby continuously appropriated without regard to fiscal years for refund of amounts collected after January 29, 1945, and erroneously deposited therein, for interest payable under this division on refunds and judgments and for the administration of the Department of Employment.

Authorization for expenditure

1587. No expenditure for administration shall be made from the Contingent Fund except under an authorization made by the Director of Finance in the manner prescribed in Section 11006 of the Government Code. No such authorization shall be made as a substitution for a grant of federal funds, or for any portion thereof, which in the absence of the authorization would be available to the Department of Employment.

Transfer

1588. Any amount authorized to be expended from the Contingent Fund for administration may be transferred to the Unemployment Administration Fund, but any amount not needed for the purpose for which authorized shall, upon order of the Director of Finance, be retransferred to the Contingent Fund.

Refunds from various funds

1589. In lieu of filing claims for refund and interest payable on refunds against each of the funds from which an amount has been determined to be due under this division the director may file a single claim with the State Controller showing the amount payable from each fund for payment from the Contingent Fund, and the Controller shall thereupon draw his

warrant on the Contingent Fund and transfer the amounts certified by the director to be due from the Clearing Account—Unemployment Fund and the Unemployment Compensation Disability Fund to the Contingent Fund.

CHAPTER 7. COLLECTIONS

Article 1. Priority and Lien of Tax

Priority of contributions etc.

1701. The wage earner and employer contributions required to be paid by any employing unit under this division, together with interest and penalties, shall be satisfied first in any of the following cases:

(a) Whenever the employing unit is insolvent.

(b) Whenever the employing unit makes a voluntary assignment of its assets.

(c) Whenever the estate of the employing unit in the hands of the executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent employing unit required to pay any amount under this division are levied upon by process of law.

(Amended by Stats. 1953, Ch. 449.)

[ORIGINAL SECTION]

1701. The wage earner and employer contributions required to be paid by any employing unit under this division, together with interest and penalties, shall be satisfied first in any of the following cases;

(a) Whenever the employing unit is insolvent.

(b) Whenever the employing unit makes a voluntary assignment of his assets.

(c) Whenever the estate of the employing unit in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent employing unit required to pay any amount under this division are levied upon by process of law.

Preference

1702. Section 1701 does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien and the preference given to the State by that section is subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

Recording of certificate of delinquency

1703. If an employing unit is delinquent in a payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent, or within five years after the last entry of a judgment under Section 1815, file for record in the office of any county recorder a certificate specifying the amount of contributions, interest and penalties due, the name and address as it appears on the records of the department of the employing unit liable for the same and the fact that the department has complied with all provisions of this division in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be

paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or acquired by him before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for five years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within five years from the date of the filing of the certificate or within five years from the date of the last extension of the lien, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for five years unless sooner released or otherwise discharged.

Release or subordination of liens

1704. The director may at any time release all or any portion of the property subject to any lien obtained under this chapter from such lien or subordinate the lien to other liens and encumbrances if he determines that the contributions, interest and penalties are sufficiently secured by a lien on other property or that the release or subordination of the lien will not endanger or jeopardize the collection of such contributions, interest and penalties.

Certificate

1705. A certificate by the director to the effect that any property has been released from a lien or that the lien has been subordinated to other liens is conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

Article 2. Liability of Successors, Officers and Fiduciaries

Duty of purchaser

1731. Any person or employing unit that acquires the organization, trade or business, or substantially all the assets thereof, of an employer shall withhold in trust money or other property sufficient in amount or value to cover the amount of any contributions, interest and penalties due or unpaid from such employer until such employer produces a certificate from the department stating that no contributions, interest or penalties are due.

Liability of purchaser

1732. Any person or employing unit that fails to withhold money or other property as provided in Section 1731 shall be personally liable for the payment of the contributions, interest and penalties due from the employer up to but not exceeding the purchase price. Upon request of either of the parties to such acquisition the department shall within 30 days issue a certificate, or a statement showing the amount of contribution claimed to be due. The failure to issue a certificate or a statement within the period of 30 days shall be deemed equivalent to the issuance of a certificate stating that no contributions, interest or penalties are due.

Issuance of certificate

1733. If the department issues a statement showing the amount of contributions, interest and penalties claimed to be due, the amount stated therein shall be withheld and paid to

the department on demand, such amount, however, not to exceed the purchase price. The issuance of any certificate stating that no contributions, interest and penalties are due, or the failure to issue such certificate or statement within the period of 30 days shall not release the employer from liability on account of any contributions, interest and penalties then or thereafter determined to be due from him, but shall release the acquiring person or employing unit from any further liability on account of any such contributions, interest and penalties.

Remedies for collection

1734. The director shall have all of the remedies for collection against any person or employing unit that acquires the organization, trade or business, or substantially all the assets thereof of an employer as are provided by this division against any employer liable for contributions, interest and penalties due. The time within which the obligation may be enforced against the person or employing unit acquiring the organization, trade or business, or substantially all the assets thereof of an employer shall start to run with the day of the acquisition or with the day the liability against the employer becomes final, whichever is the later.

Personal liability

1735. Any officer of a domestic or foreign corporation, whose duty it is to prepare or to supervise the preparation of contribution returns, who wilfully fails to comply with the provisions of Section 1091 shall be held personally liable for all contributions, penalties, and interest which may be due, owing and unpaid by such corporation to the Unemployment Fund at the time of quitting business, dissolution or withdrawal.

Same

1736. In addition to other penalties prescribed in this division, failure to file the notice required by Section 1090 shall cause the assignee, receiver, trustee in bankruptcy, or other representative of an insolvent employing unit, or the administrator or executor of the estate of the deceased employing unit to be personally responsible for all loss in contributions, penalties and interest attributable to such failure. This liability may be enforced by civil action in the name of the State of California against the assignee, receiver, trustee in bankruptcy, or other representative of the insolvent employing unit, and against the administrator or executor of the deceased employing unit.

Article 3. Withhold Notices

Withhold notices

1755. If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent or within five years of the last recording of an abstract under Article 5 of this chapter or of a certificate under Section 1703, give notice of the amount of the delinquency by registered mail, to all persons having in their possession or under their control any credits or other personal property belonging to the delinquent person or employing

unit, or owing any debts to such person or employing unit at the time of the receipt of the registered notice. No person so notified shall transfer or make any disposition of such credits or other personal property or debts without retaining an amount sufficient to pay the amount specified in said notice unless the director consents to a transfer or disposition, or unless 45 days have elapsed from the receipt of the notice. All persons so notified must, within five days after receipt of the notice, advise the director of any and all such credits, other personal property or debts, in their possession, under their control, or owed by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held.

(Amended by Stats. 1953, Ch 659.)

[ORIGINAL SECTION]

1755 If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent or within five years of the last recording of an abstract under Article 5 of this chapter or of a certificate under Section 1703, give notice of the amount of the delinquency by registered mail, to all persons having in their possession or under their control any credits or other personal property belonging to the delinquent person or employing unit, or owing any debts to such person or employing unit at the time of the receipt of the registered notice. No person so notified shall transfer or make any disposition of such credits or other personal property or debts unless the director consents to a transfer or disposition, or unless 45 days have elapsed from the receipt of the notice. All persons so notified must, within five days after receipt of the notice, advise the director of any and all such credits, other personal property or debts, in their possession, under their control, or owed by them.

Notices to State

1756 Notices to the State, pursuant to Section 1755, shall be given to the state department, board, office or commission prior to the time it presents the claim of the person or employing unit to the State Controller.

Personal liability

1757. If any person notified pursuant to Section 1755 transfers or disposes of credits or personal property in violation of that section, he shall be personally liable to the department, to the extent of the value of the property or the amount of the debts thus transferred or paid, if solely by reason of such transfer or disposition, the department is unable to recover the contributions, penalties, or interest owing by the person with respect to which the notice was given.

(Amended by Stats. 1953, Ch. 659.)

[ORIGINAL SECTION]

1757. If any person notified pursuant to Section 1755 transfers or disposes of credits or personal property in violation of that section, he shall be personally liable to the department for any loss sustained by reason of such transfer or disposition Such liability shall not exceed the actual value of the credits, debts or other personal property under his control or in his possession.

1758. As used in this article "person" includes this State and any county, city and county, municipality, district or other political subdivision thereof. "Person"

Article 4. Warrant for Collection

1785. If any amount required to be paid under this division is not paid when due, the director or his authorized representative may, within three years after the payment became delinquent, or within five years after the last entry of a judgment under Article 5 of this chapter or within five years after the filing for record of a certificate under Section 1703, issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State under this division. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. Warrant for enforcement of liens

1786. The department may pay or advance to the sheriff, marshal or constable, the same fees, commissions, and expenses for his services under this article as are provided by law for similar services pursuant to a writ of execution. The director, and not the court, shall approve the fees for publication in a newspaper. Pay to sheriff, etc

1787. The fees, commissions, and expenses incurred in connection with the levying and execution of a warrant are the obligation of the person or employing unit required to pay any amount under this division and may be collected from him by virtue of the warrant or in any other manner provided in this chapter for the collection of the tax. Expenses of levying and execution of warrant

Article 5. Summary Judgment

1815. If any employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this division, the director may, within three years after the payment became delinquent or within three years of the first recording of an abstract under this article or of a certificate under Section 1703, file in the Office of the County Clerk of Sacramento County, or with the county clerk of the county in which the employer has his principal place of business, a certificate specifying the amount of the contributions, interest and penalty due and the name and last known address of the employer liable therefor. The certificate shall also contain a statement that the director has complied with all the provisions of this division in relation to the computation and levy of the contributions, interest and penalty, and a request that judgment be entered against the employer in the amount set forth in the certificate. The county clerk immediately upon the filing of the certificate shall enter a judgment for the State of California against the employer in the Summary judgment

amount set forth in the certificate. Such judgment may be filed by the county clerk in a loose-leaf book entitled "unemployment contributions judgments."

Recording

1816. An abstract of a judgment secured pursuant to this article or a copy thereof may be recorded with the county recorder of any county and from the time of the recording, the amount of the judgment shall constitute a lien upon all the property of the employer in that county, owned or acquired by him during the life of the lien. The lien shall have the force, effect and priority of a judgment lien. Execution shall issue upon such a judgment upon request of the director in the same manner as execution may issue upon other judgments and sales shall be held under such execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the director or his authorized agents may act on behalf of the State.

Hearing

1817. Prior to the filing of a certificate under this article, the delinquent employer shall be given an opportunity for oral hearing before the Appeals Board or its authorized representative. Notice of the time and place of such hearing must be mailed at least 15 days in advance thereof, and may be sent by registered mail addressed to the last known address of the delinquent employer. In the event the delinquent employer or his representative does not appear at the hearing or if an appearance is made but the delinquent employer does not establish to the satisfaction of the Appeals Board or its authorized representative that the amount of contributions, interest and penalties claimed to be due is erroneous, the director may file the certificate provided for in this article. The hearing provided in this section shall not be required before the filing of a certificate if the employer has previously been afforded a full hearing before the Appeals Board, but if the employer files an affidavit setting forth new and additional evidence to establish that the contributions, interest and penalties sought to be collected are erroneous, the Appeals Board may grant an additional hearing.

Other collection procedures

1818. The right of the director to use the summary judgment procedure contained in this article shall be in addition to any other collection procedure contained in this division. No action taken by the director shall be construed to be an election to pursue the summary judgment procedure to the exclusion of any other collection procedure in this division.

Article 6. Civil Action

No injunction against collection

1851. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding, in any court against this State or against any officer thereof to prevent or enjoin the collection of any contribution sought to be collected under this division.

Action to collect delinquent contributions

1852. In addition to any other collection procedures authorized in this division, the director may bring an action in the courts of this or any other state or of the United States, in the name of the State of California, to collect the amount

of any delinquent employer or worker contributions together with penalties and interest. No such action shall be commenced later than three years after:

(a) The date on which any amount due on a return filed by an employing unit or on an assessment made by the director becomes delinquent.

(b) The date on which an abstract is first recorded under Article 5 of this chapter.

(c) The date on which a certificate is first recorded under Article 1 of this chapter.

Calendar preference

1853. The courts of this State shall give preference on their calendar to any civil action brought by or against the director over all other civil litigation except equity cases, cases involving extraordinary writs, or summary proceedings.

Certificate of delinquency

1854. In any civil action brought by or against the director a certificate attested to by the director or his authorized agent showing the delinquency shall be prima facie evidence of the payment by the employing unit of the amount of wages for employment by employers set forth therein; of the levy of the contributions; of the delinquency; and of the compliance by the director with all the provisions of this division relating to the computation and levy of the contributions specified in the certificate.

CHAPTER 8. HEARING PROCEDURE

Conduct of hearings

1951. The manner in which disputed claims shall be presented, the reports required thereon from the claimant and from any employing unit and the conduct of hearings and appeals shall be in accordance with rules prescribed by the Appeals Board. The Appeals Board shall require referees to consolidate for hearing cases with respect to which the alleged facts and the points of law are the same.

Rules of evidence or procedure

1952. The Appeals Board and its representatives and referees are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure but may conduct the hearings and appeals in such manner as to ascertain the substantial rights of the parties. A full and complete record shall be kept of all proceedings in connection with disputed claims. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

Subpenas

1953. In any proceeding, hearing, investigation or in the discharge of any duties imposed under this division any member of the Appeals Board and any authorized deputy, referee or employee designated by it may administer oaths, take depositions, certify to official acts and issue subpenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records.

Same

1954. Obedience to subpenas issued in accordance with this chapter may be enforced by application to the superior court

as set forth in Article 2, Chapter 2, Part 1 of Division 3 of Title 2 of the Government Code.

Self incrimination, etc

1955. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records as required by a subpena issued pursuant to this chapter on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. No individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise. Nothing in this section exempts any individual from prosecution and punishment for perjury committed in so testifying.

Witness fees

1956. Witnesses subpenaed pursuant to this division shall be allowed the same fees which are prescribed in Sections 1885 and 1885.1 of the Code of Civil Procedure relative to proceedings in the superior court. Such fees and all expenses incurred in any proceeding, hearing, review or investigation by the director or the Appeals Board or the representative of either, except charges for services by counsel or other agent representing claimant, employer, or other interested person, shall be part of the expenses of administering this division, and no individual claiming benefits shall be charged by the Appeals Board, or its representative, fees of any kind in any procedure under this division.

Counsel fees

1957. Any individual claiming benefits in any proceedings before the Appeals Board or its authorized representative may be represented by counsel or agent but no such counsel or agent shall charge or receive for such services more than an amount approved by the Appeals Board. Any person who violates any provision of this section shall for each such violation be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) or be imprisoned not more than six months or both.

Costs

1958. No cost shall be awarded in hearings on appeal by the Appeals Board, but if in the opinion of the Appeals Board, the claimant or an employer has acted in bad faith and without reasonable basis for appeal, a penalty not exceeding 10 percent of the amount finally awarded on the appeal may be taxed against and deducted from the award by the Appeals Board and shall be placed in the Unemployment Fund. In those cases where a penalty is assessed against an employer his account, as maintained under this act, shall be debited with the amount of the penalty so assessed.

Powers of Appeals Board

1959. For the purpose of any investigation, hearing or proceeding under this division, the Appeals Board may delegate its power in relation thereto to any deputy, referee, or other person properly authorized in writing by it.

(Amended by Stats. 1953, Ch. 1294.)

[ORIGINAL SECTION]

1959. The director and his authorized representatives in the enforcement of this division shall have the powers of a head of a department as set forth in Article 2, of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code. For the purpose of any investigation, hearing or proceeding under this division, the director may delegate his power in relation thereto to any deputy, referee, or other person properly authorized in writing by him.

CHAPTER 9. PUBLIC EMPLOYMENT OFFICES

Wagner-Peyser Act accepted

2051. The State of California accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933, passed by the Congress of the United States, and entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," in conformity with Section 4 thereof, and will observe and comply with the requirements of that act.

The department is the agency of this State for the purposes of that act.

Cooperation

2052. The director may cooperate with any authority of the United States having powers and duties under the Wagner-Peyser Act, and may do and perform all things necessary to secure to this State the benefits of that act in the promotion and maintenance of a system of public employment offices.

Funds

2053. All money made available by the State or received by the State under the Wagner-Peyser Act and paid into the unemployment administration fund shall be expended as provided by this division and by that act of Congress.

Public employment offices

2054. The director shall:

(a) Establish, maintain and operate adequately staffed public employment offices for men, women and juniors who are legally qualified to engage in gainful occupations and shall maintain a veterans' placement service to be devoted to securing work for veterans and a farm placement service to promote the placement and clearance of agricultural labor, and a youth placement department to promote the placement of youth in suitable fields of employment. The maintenance of a farm placement service shall not be required during such time as applicable federal laws provide for a system of farm labor placement financed from federal funds which is separate and apart from the general system of public employment offices. Adequate records and statistics on all the classifications specified in this section shall be compiled and kept, and a report of such records, statistics, applications and placements shall be made semiannually.

(b) Procure, by lease or otherwise, suitable offices, and incur the necessary expenses in the conduct thereof.

Location of offices

2055. Free public employment offices shall be maintained in the Cities of San Francisco, Los Angeles, Oakland and Sacramento, and, whenever the chief of the division deems it necessary, in other cities.

2056. The director may:

Unemployment districts

(a) Create unemployment districts.

Registration of unemployed

(b) Promulgate such rules as he finds desirable for the registration of unemployed persons, and for placing them in available employment. To this end he may accept financial contributions from any governmental unit or agency, or private persons.

Agreements with Railroad Retirement Board

2057. For the purpose of establishing and maintaining free public employment offices, the director may enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this State, or with any private, nonprofit organization, and as a part of any such agreement, may accept money, services, quarters, or other valuable consideration as a contribution to the employment service account in the Unemployment Administration Fund.

State Advisory Council

2058. The director shall recommend to the Governor for appointment, and the Governor shall appoint a State Advisory Council composed of 12 members representing employers, employees, and the public, in equal numbers, for the purpose of formulating policies and discussing problems relating to the administration of this chapter, and of making recommendations in regard thereto to the director, and of assuring impartiality, neutrality, and freedom from political influence in the solution of such problems. Members of the State Advisory Council shall serve without compensation, but shall be reimbursed for any necessary and authorized expenses.

CHAPTER 10. VIOLATIONS

False statement

2101. It is a misdemeanor to wilfully make a false statement or representation or knowingly fail to disclose a material fact to obtain, increase, reduce, or defeat any benefit or payment under the provisions of this division, whether for the maker or for any other person, or for the purpose of lowering or avoiding any contribution required of the maker or any other person, or to avoid becoming or remaining subject to this act.

Same

2102. It is a misdemeanor for any person residing in this State to wilfully make a false statement or representation or knowingly fail to disclose a material fact to obtain or increase benefits or payments under the provisions of the unemployment insurance law of any other state.

Overdeductions from worker

2103. It is a misdemeanor for any employing unit or any officer or agent of an employing unit to make a greater deduction from the wages of a worker than the contribution required of such worker under this division, for the purpose of paying any contribution required under this division.

Failure to appear or testify

2104. It is a misdemeanor for any employing unit or any officer or agent of an employing unit to wilfully and unlawfully fail to appear, testify, or produce books, papers, and records, required at any hearing under this division.

Records

2105. It is a misdemeanor for any employing unit or any officer or agent of an employing unit, to wilfully and unlawfully fail or neglect to make available required records for the inspection of the director or his authorized representatives at any reasonable time during business hours.

2106. It is a misdemeanor for any employing unit, or any officer or agent of an employing unit, to wilfully and unlawfully fail or neglect to furnish to the director reports required by him when necessary for the enforcement of this division. Reports

2107. It is a misdemeanor for any employing unit or any officer or agent of an employing unit or any individual to connive or conspire to aid such individual to obtain benefits to which he is not entitled by the wilful withholding of information or by the wilful failure to report any relevant information. Withholding information

2108. It is a misdemeanor for any person to wilfully fail or refuse to make any contributions which are due under this division. Nonpayment of contributions due

2109. The executive officer, general manager, or any other person having charge of the affairs of a corporation or association, who wilfully fails to register such corporation or association as an employing unit, or wilfully fails to submit contribution returns, earning reports, or other returns and reports required by this division, or by authorized regulations, is guilty of a misdemeanor. Failure to register or report

2110. Any employing unit, including any individual member of a partnership employing unit, and any officer of a corporate employing unit, which knowingly withholds the deductions required by this division from remuneration paid to its workers, and wilfully fails or is financially unable to pay such deductions to the department before the date on which they become delinquent is guilty of a misdemeanor. Withholding worker deductions

2111. Except as otherwise provided in Section 1094 information obtained in the course of administration of this division is confidential and shall not be published or open to public inspection in any manner. Any commissioner or employee of the department who violates this section is guilty of a misdemeanor. Disclosure of confidential information

2112. Every person who wilfully violates any provision of this division or any authorized regulation promulgated or published in accordance with this division, is guilty of a misdemeanor. Violation of law or regulations

PART 2. DISABILITY COMPENSATION

CHAPTER 1. GENERAL PROVISIONS

2601. The purpose of this part is to compensate in part for the wage loss sustained by individuals unemployed because of sickness or injury and to reduce to a minimum the suffering caused by unemployment resulting therefrom. This part shall be construed liberally in aid of its declared purpose to mitigate the evils and burdens which fall on the unemployed and disabled worker and his family. Purpose

2602.* (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1, and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits Application of Part 1

(* See note following Section 2611.)

and the provisions of Part 1, prevail with respect to unemployment compensation benefits.

(b) The provisions of Chapter 6 of Part 1 of this division do not apply to this part.

(c) Sections 312, 318, 319, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

(Amended by Stats. 1953, Ch. 1371.)

[ORIGINAL SECTION]

2602 (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part In case of any conflict between the provisions of Part 1, and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits and the provisions of Part 1, prevail with respect to unemployment compensation benefits.

(b) The provisions of Chapter 6 of Part 1 of this division do not apply to this part.

(c) Sections 312, 318, 319, 1251, 1253, 1254, 1255, 1279, 1339, and 1340 do not apply to this part.

Experience rating accounts not charged

2603. Disability benefits paid pursuant to this part shall not be charged against an employer's account maintained pursuant to Article 4 of Chapter 4, Part 1 of this division.

Emergency action to protect solvency

2604. Whenever the commission believes that a change in contributions rate or disability benefit amounts may become necessary to protect the solvency of the Disability Fund, it shall at once inform the Governor and the Legislature thereof and make recommendations accordingly. In such case the Governor may declare an emergency and authorize the commission to announce a modified scale of benefits or increased waiting period, or other changes in regulations regarding the eligibility for payment of benefits which the commission may deem necessary to assure the solvency of the Disability Fund; such modified regulations to be in effect until the Governor declares the emergency at an end or until further action is taken by the Legislature.

Conformity with federal laws

2605. If at any time the Social Security Board or other higher authority rules or determines that any section of this part is not in conformity with the provisions of Title III of the Social Security Act or Section 1601 and Section 1602 of the Federal Unemployment Tax Act by reason of any provision contained in this part, such section or sections shall be immediately inoperative.

2606. Repealed by Stats. 1953, Ch. 1294.

[ORIGINAL SECTION]

2606. "Unemployment compensation disability benefits" or "disability benefits" refers to money payments payable under Part 2 of this division to an eligible unemployed individual with respect to his wage losses due to unemployment as a result of illness or other disability resulting in such individual being unavailable or unable to work due to such illness or disability.

2607. Repealed by Stats. 1953, Ch. 1294.

[ORIGINAL SECTION]

2607. "Disability Fund" means the "Unemployment Compensation Disability Fund."

2608.* "Disability benefit period," with respect to any individual, means the continuous period of unemployment and disability beginning with the first day with respect to which the individual files a valid claim for unemployment compensation disability benefits. For the purposes of this part, two consecutive periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one disability benefit period. "Disability benefit period"

(Added by Stats. 1953, Ch. 1371.)

2609.* "Valid claim" means any claim for unemployment compensation disability benefits made in accordance with the provisions of this code and rules and regulations adopted thereunder if the individual is unemployed and disabled and has been paid wages in employment for employers necessary to qualify for benefits under Section 2652. "Valid claim"

(Added by Stats. 1953, Ch. 1371.)

2610.* "Disability base period," with respect to an individual who does not have an unexpired benefit year for unemployment compensation benefits, means for disability benefit periods beginning in November, December, or January, the four calendar quarters ended in the next preceding month of June; the disability base period for disability benefit periods beginning in February, March, or April shall be the four calendar quarters ended in the next preceding month of September; the disability base period for disability benefit periods beginning in May, June, or July shall be the four calendar quarters ended in the next preceding month of December; the disability base period for disability benefit periods beginning in August, September, or October shall be the four calendar quarters ended with the next preceding month of March. "Disability base period"

(Added by Stats. 1953, Ch. 1371.)

2611.* "Disability base period," with respect to an individual who has an unexpired benefit year for unemployment compensation benefits, shall be the same as the base period which was used to establish the benefit year for unemployment compensation benefits. Same

(Added by Stats. 1953, Ch. 1371.)

(* NOTE. Section 26 of Chapter 1371 provides:

SEC. 26. The amendments made by this act shall become operative with respect to periods of disability commencing on and after January 1, 1954, and the provisions of the code in effect prior to such amendments shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1954.)

CHAPTER 2. DISABILITY BENEFITS

Article 1. Eligibility

2625. Unemployment compensation disability benefits are payable from the Disability Fund to individuals who are eligible to receive such benefit payments under this part. Unemployment compensation disability benefits

2626. "Disability" or "disabled" includes both mental or physical illness and mental or physical injury. An individual shall be deemed disabled in any day in which, because of his "Disability" or "disabled" defined

(* See note following Section 2611.)

physical or mental condition, he is unable to perform his regular or customary work. In no case shall the term "disability" or "disabled" include any injury or illness caused by or arising in connection with pregnancy up to the termination of such pregnancy and for a period of 28 days thereafter.

Eligibility for benefits.

2627. A disabled individual is eligible to receive disability benefits equal to one-seventh of his weekly benefit amount for each full day during which he is unemployed due to a disability only if the director finds that:

(a) He has made a claim for disability benefits as required by authorized regulations.

(b) He has been unemployed and disabled for a waiting period of seven consecutive days during each disability benefit period with respect to which waiting period no benefits are payable; and

(c) Except as provided in Section 2709 he has submitted to such reasonable examinations as the director may require for the purpose of determining his mental or physical disability.

(d) He has filed a certificate as required by the provisions of Section 2708 or 2709.

(Amended by Stats. 1953, Ch. 1371. See Note following Section 2611.)

[ORIGINAL SECTION]

2627. A disabled individual is eligible to receive disability benefits equal to one-seventh of his weekly benefit amount for each full day during which he is unemployed due to a disability only if the director finds that:

(a) He has made a claim for disability benefits as required by authorized regulations.

(b) He has been unemployed and disabled for a waiting period of seven consecutive days during each continuous period of disability with respect to which waiting period no benefits are payable. For the purpose of this subdivision two consecutive periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one continuous period of disability.

(c) He has during his base period been paid wages in employment for employers equal to not less than the minimum amount otherwise prescribed to be paid during his base period as a condition of eligibility for unemployment compensation benefits.

(d) Except as provided in Section 2709 he has submitted to such reasonable examinations as the director may require for the purpose of determining his mental or physical disability.

(e) He has filed a certificate as required by the provisions of Sections 2708 or 2709.

NOTE: This section was also amended by Stats. 1953, Ch. 449, as follows:

2627. A disabled individual is eligible to receive disability benefits equal to one-seventh of his weekly benefit amount for each full day during which he is unemployed due to a disability only if the director finds that:

(a) He has made a claim for disability benefits as required by authorized regulations.

(b) He has been unemployed and disabled for a waiting period of seven consecutive days during each continuous period of disability with respect to which waiting period no benefits are payable. For the purpose of this subdivision two consecutive periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one continuous period of disability.

(c) Except as provided in Section 1277, he has during his base period been paid wages in employment for employers equal to not less than the minimum amount otherwise prescribed to be paid during his base period as a condition of eligibility for unemployment compensation benefits.

(d) Except as provided in Section 2709 he has submitted to such reasonable examinations as the director may require for the purpose of determining his mental or physical disability

(e) He has filed a certificate as required by the provisions of Sections 2708 or 2709.

Ineligible if receiving unemployment insurance

2628. An individual is not eligible for disability benefits with respect to any period for which the director finds that he has received or is entitled to receive unemployment compensation benefits under Part 1 of this division or under an unemployment compensation act of any other state or of the Federal Government.

Workmen's compensation affects eligibility

2629. Except as provided in this section, an individual is not eligible for disability benefits for any period of unemployment due primarily to a disability, for which period the director finds that with respect to such disability he has received, or is entitled to receive benefits, in the form of cash payments, under a workmen's compensation law, or employer's liability law of this State, or of any other state, or of the Federal Government. If such cash payments are less than the amount he would otherwise receive as disability benefits under this part, he shall be entitled to receive for such period, if otherwise eligible, disability benefits, reduced by the amount of such cash payments.

Article 2. Computation (Amount and Duration)

Periods of disability after Jan 1, 1954

2651.* For periods of disability commencing on and after January 1, 1954, the total amount of unemployment compensation disability benefits and the weekly benefit amount payable during any one disability benefit period shall be computed as provided in this article.

(Repealed and added by Stats 1953, Ch. 1371.)

[ORIGINAL SECTION]

2651 The total amount of disability benefits payable to an eligible individual under this part during any one benefit year shall be computed in accordance with the provisions of Section 1281.

Requirement for valid claim

2652.* An individual cannot establish a valid claim unless he has during his disability base period been paid wages for employment by employers of not less than three hundred dollars ($300). If more than 75 percent of his disability base period wages were paid during a single calendar quarter, he is not eligible for benefits unless his total wages during the disability base period are not less than 30 times his weekly benefit amount.

(Repealed and added by Stats 1953, Ch. 1371.)

[ORIGINAL SECTION]

2652 An individual's weekly benefit amount, for the purpose of computing disability benefits, for periods of disability commencing prior to January 1, 1952, shall be computed as provided in Section 1280, and for periods of disability commencing on and after January 1, 1952, is the amount appearing in Column B in the table set forth in this section on the line of which, in Column A of such table, there appears a wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his base period in which such wages were the highest:

(* See note following Section 2611.)

A Amount of wages in highest quarter	B Weekly benefit amount
$75-$199.99	$10
200- 219.99	11
220- 239.99	12
240- 259.99	13
260- 279.99	14
280- 299.99	15
300- 319.99	16
320- 339.99	17
340- 359.99	18
360- 379.99	19
380- 419.99	20
420- 459.99	21
460- 499.99	22
500- 539.99	23
540- 579.99	24
580- 611.99	25
612- 643.99	26
644- 675.99	27
676- 707.99	28
708- 739.99	29
740 and over	30

Maximum total amounts

2653.* The maximum amount of benefits payable to an individual during any one disability benefit period shall be 26 times his weekly benefit amount.

(Added by Stats. 1953, Ch. 1371.)

Wages due and unpaid

2654.* For the purpose of this article wages due to any individual but unpaid within the time limit provided by law, shall be deemed wages paid to such individual.

(Added by Stats. 1953, Ch. 1371.)

"Weekly benefit amount"

2655.* An individual's "weekly benefit amount" shall be the amount appearing in Column B in the table set forth in this section on the line of which in Column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$75-$149.99	$10
150- 174.99	11
175- 199.99	12
200- 224.99	13
225- 249.99	14
250- 274.99	15
275- 299.99	16
300- 324.99	17
325- 349.99	18
350- 374.99	19

(* See note following Section 2611.)

A Amount of wages in highest quarter	B Weekly benefit amount
$375-$399.99	$20
400- 424.99	21
425- 449.99	22
450- 474.99	23
475- 499.99	24
500- 524.99	25
525- 549.99	26
550- 574.99	27
575- 599.99	28
600- 624.99	29
625- 649.99	30
650- 674.99	31
675- 699.99	32
700- 724.99	33
725- 749.99	34
750 or over	35

(Added by Stats. 1953, Ch 1371.)

Maximum amount

2656.* An individual eligible to receive disability benefits who receives wages or regular wages from his employer during the period of his disability shall be paid disability benefits for any day in an amount not to exceed his maximum daily amount which together with the wages or regular wages does not exceed for such day one-seventh of 70 percent of his weekly wage immediately prior to the commencement of his disability.

(Renumbered by Stats. 1953, Ch. 1371.)

[ORIGINAL SECTION]

2653. An individual eligible to receive disability benefits who receives wages or regular wages from his employer during the period of his disability shall be paid disability benefits for any day in an amount not to exceed his maximum daily amount which together with the wages or regular wages does not exceed for such day one-seventh of 70 percent of his weekly wage immediately prior to the commencement of his disability.

Article 3. Disqualifications

Disqualification for false statements

2675. An individual shall be disqualified from receiving benefits under this part if he has wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any benefits under this part. An individual disqualified under this section shall be ineligible to receive benefits for the day during which there occurred the cause of the disqualification and for not less than six nor more than 34 days which immediately follow such day, if the claimant is unemployed due to a disability for such period. If there is a recurrence of the same disqualification, subsequent to the initial disqualification during such period, the director may, in his discretion, extend the period of ineligibility for an additional period not to exceed 56 days.

(* See note following Section 2611.)

Application of unemployment insurance disqualifications

2676. An individual who is disqualified from receiving unemployment compensation benefits under Sections 1256, 1257, 1260, 1261 and 1263 shall be presumed to be ineligible to receive disability benefits under this part for the same period or periods unless he establishes to the satisfaction of the director that he is suffering a bona fide illness or injury and the director finds that there is good cause for paying disability benefits.

(Amended by Stats. 1953, Ch. 1294.)

[ORIGINAL SECTION]

2676. An individual who is disqualified from receiving unemployment compensation benefits under Sections 1301, 1302, 1305, 1306, and 1308 shall be presumed to be ineligible to receive disability benefits under this part for the same period or periods unless he establishes to the satisfaction of the director that he is suffering a bona fide illness or injury and the director finds that there is good cause for paying disability benefits.

Payment of disability benefits during trade dispute

2677. An individual who is disqualified from receiving unemployment compensation benefits under Section 1262 shall be presumed to be ineligible to receive disability benefits under this part for the same period or periods unless the individual establishes, pursuant to authorized regulations, that his alleged disability was the result of an accident or required a period of hospitalization, that it was not caused by and did not arise out of the trade dispute, and that it would have occurred and would have prevented him from continuing his work if the trade dispute had not occurred. Such an individual shall, except as provided in Section 2709, be subject to examination without cost to him by a medical examiner selected by the department, the insurer or self-insurer as the case may be to determine whether the above conditions have been met.

(Amended by Stats 1953, Ch. 1294.)

[ORIGINAL SECTION]

2677. An individual who is disqualified from receiving unemployment compensation benefits under Section 1307 shall be presumed to be ineligible to receive disability benefits under this part for the same period or periods unless the individual establishes, pursuant to authorized regulations, that his alleged disability was the result of an accident or required a period of hospitalization, that it was not caused by and did not arise out of the trade dispute, and that it would have occurred and would have prevented him from continuing his work if the trade dispute had not occurred. Such an individual shall, except as provided in Section 2709, be subject to examination without cost to him by a medical examiner selected by the department, the insurer or self-insurer as the case may be to determine whether the above conditions have been met.

Dipsomaniacs, etc.

2678. An individual shall be disqualified from receiving benefits under this part while he is confined, pursuant to commitment or court order or certification, in an institution or other place, as a dipsomaniac, drug addict or sexual psychopath.

(Added by Stats. 1953, Ch. 1805.)

Article 4. Filing, Determination and Payment of Disability Benefit Claims

Payment of benefits

2701. Disability benefits shall be paid through public employment offices or other agencies approved by the director.

2702. Minors who are eligible for disability benefits may be paid and receive such benefits in their own right and a receipt signed by a minor shall be valid and binding in all respects. Minors

2703.* The establishment of a disability benefit period for unemployment compensation disability benefits shall not establish a benefit year for unemployment compensation benefits and the filing of a valid claim for one shall not establish a valid claim for the other. Wages used to establish a valid claim for disability benefits may be used to establish a subsequent claim for disability benefits or unemployment compensation benefits provided such wages were paid in the base period applicable to the subsequent claim. Benefit year

(Amended by Stats. 1953, Ch. 1371.)

[ORIGINAL SECTION]

2703. An individual's benefit year shall be the same for both disability benefits and unemployment compensation benefits and the filing of a valid claim for one shall establish a valid claim for the other.

2704.* Repealed by Stats. 1953, Ch. 1371.

[ORIGINAL SECTION]

2704. An individual if eligible is entitled to both disability benefits and unemployment compensation benefits in the same benefit year.

2705. Where an individual who would be eligible to receive disability benefits dies before making a claim therefor, the director may in accordance with authorized regulations allow the filing of a claim for such benefits by a person legally entitled thereto under Section 1341. Benefits due deceased person

2706. Claims for disability benefits shall be made in accordance with authorized regulations. Each employer shall post and maintain in places readily accessible to individuals in his service printed statements concerning such regulations and shall make available to each such individual copies of such printed statements, regulations or matters relating to claims for disability benefits as the director may prescribe. Such printed statements shall be supplied to each employer by the director without cost to the employer. Filing of claims Information to workers by employers

2707.* A notice of the filing of a first claim for each disability benefit period shall be given to the employing unit by which the claimant was last employed immediately preceding the filing of such claim. Notice

(Repealed and added by Stats. 1953, Ch. 1371.)

[ORIGINAL SECTION]

2707. The determination of eligibility on a claim for disability benefits and the procedure for appeal from the allowance or denial of a claim shall be governed by the provisions of Article 4, Chapter 5 of Part 1, and Chapter 8 of Part 1 of this division, insofar as said provisions are not inconsistent with any provision of this part.

2707.1.* Within two working days after receipt of the notice provided for in Section 2707, or if there has been a termination of the claimant's service within five days after such termination, whichever is the later, the last employer shall notify the Information from employer

(* See note following Section 2611.)

department of any information known to him which may bear upon the eligibility of the claimant.

(Added by Stats. 1953, Ch. 1371.)

Determination of eligibility for benefits

2707.2.* The facts submitted by the employer pursuant to Section 2707.1 shall be considered and a determination made as to the eligibility of the claimant for benefits. The claimant shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of the notice of the determination, whichever is later; provided, that said 10 days may be extended for good cause.

(Added by Stats. 1953, Ch. 1371.)

Computation of claim

2707.3.* Upon the filing of a claim for unemployment compensation disability benefits, a computation on the claim shall promptly be made which shall set forth the maximum amount of benefits potentially payable during the disability benefit period and the weekly benefit amount. The claimant shall be promptly notified of the computation.

(Added by Stats. 1953, Ch. 1371.)

Protest of computation

2707.4.* Upon receipt of the notice of the computation, the claimant so notified may protest the accuracy of the computation. Any such protest shall be considered and a determination as to the accuracy of the computation made thereon. The claimant submitting the protest shall be promptly notified of the determination and may appeal therefrom in the manner prescribed in Section 2707.2.

(Added by Stats. 1953, Ch. 1371.)

Reconsideration of computation

2707.5.* Any computation or determination provided for in this article may for good cause be reconsidered by the department prior to the filing of an appeal therefrom. Notification of any reconsidered determination shall be given promptly to the claimant, and the claimant may appeal therefrom in the manner provided herein for appeals from other determinations.

(Added by Stats. 1953, Ch. 1371.)

Notices, protests, and information

2707.6.* Notices, protests, and information required under this article shall be submitted in accordance with authorized regulations.

(Added by Stats. 1953, Ch. 1371.)

Authority to certify to disability

2708. The director shall require for each uninterrupted period of disability that the first claim for disability benefits be supported by the certificate of a physician as defined in Section 3209.3 of the Labor Code, or the certificate of a dentist or chiropodist duly licensed under California state law, acting within the scope of his practice. The certificate shall contain a statement of the medical facts within his knowledge, his conclusion with respect to the disability of the claimant and his opinion with respect to probable duration of the disability. The claim of any eligible individual who obtains care and treatment outside this State may pursuant to authorized regulations be supported by a like certificate of a similar licensee of the state in which the

(* See note following Section 2611.)

claimant is receiving care and treatment. With respect to any eligible claimant who is hospitalized in a county hospital in this State or is hospitalized by said county hospital in another hospital, a certificate as to such individual's disability as shown by his hospital chart signed by the registrar of the hospital shall satisfy the requirements of this section. Where any eligible claimant is hospitalized in or under the care of any medical facility of the United States Government, a certificate as to such individual's disability signed by any duly authorized medical officer of such facility shall satisfy the requirements of this section.

(Amended by Stats. 1953, Ch. 1272.)

[ORIGINAL SECTION]

2708. The director shall require for each uninterrupted period of disability that the first claim for disability benefits be supported by the certificate of a physician as defined in Section 3209.3 of the Labor Code, or the certificate of a dentist or chiropodist duly licensed under California state law, acting within the scope of his practice. The certificate shall contain a statement of the medical facts within his knowledge, his conclusion with respect to the disability of the claimant and his opinion with respect to probable duration of the disability. The claim of any eligible individual who obtains care and treatment outside this State may pursuant to authorized regulations be supported by a like certificate of a similar licensee of the state in which the claimant is receiving care and treatment. Where any eligible claimant is hospitalized in or under the care of any medical facility of the United States Government, a certificate as to such individual's disability signed by any duly authorized medical officer of such facility shall satisfy the requirements of this section.

Authorized religious practitioners

2709. If any individual in good faith adheres to the teachings of any bona fide church, sect, denomination or organization and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required, but in lieu thereof the director may accept the certificate of a duly authorized and accredited practitioner of such bona fide church, sect, denomination or organization as to the disability of the claimant and the estimated duration of such disability, and no authorized regulation prescribing the manner of proof of illness or injury shall discriminate against such individual.

Certificate by physician

2710. Claims for the benefits provided in Section 2801 shall be made in accordance with authorized regulations and shall be supported by a certificate signed by the physician of the claimant stating the date the physician ordered the confinement and the duration of such confinement. With respect to any eligible claimant who is hospitalized in a county hospital in this State or is hospitalized by said county hospital in another hospital, a certificate stating the date that the physician ordered the confinement of the claimant and the duration of such confinement signed by the registrar of the hospital shall satisfy the requirements of this section.

(Amended by Stats. 1953, Ch. 1272.)

[ORIGINAL SECTION]

2710. Claims for the benefits provided in Section 2801 shall be made in accordance with authorized regulations and shall be supported by a certificate signed by the physician of the claimant stating the date the physician ordered the confinement and the duration of such confinement.

Payment directly to hospital upon consent

2711. Where an individual eligible for additional benefits during hospital confinement has first given his written consent with respect to a particular claim, the additional benefits shall be paid directly to the hospital in which he is confined in accordance with authorized regulations adopted by the director prescribing procedure governing such payments. Any additional benefits during hospital confinement in excess of the daily rate of charge for care, including special care or treatment by a hospital, shall be paid to the disabled individual as otherwise provided in this division.

Settlement of disputed claims liability between Disability Fund and voluntary plans

2712. Whenever an individual is entitled to benefits under this part but there is a dispute whether such benefits are payable from the Disability Fund or from one or another voluntary plan, benefits shall be paid to the individual, pursuant to authorized regulations, from the source against which his claim was first filed, at not less than the Disability Fund rate, pending the determination of the dispute. The Appeals Board may prescribe by regulation the time, manner, method, and procedure through which such disputes may be determined by referees and the Appeals Board. If it is finally determined that the benefits should have been paid from one of said sources other than the one which paid the benefits, reimbursement shall be promptly made from the Disability Fund or the voluntary plan, as the case may be, and the claimant shall be promptly paid the accumulated excess, if any, to which he is entitled. Reimbursement shall also be made to the extent of actual liability for benefits from one to another of the above mentioned sources when it is determined that benefits have been paid in error from one source which should have been paid from another.

Closed hearing

2713. In proceedings under this part the claimant, upon a showing of good cause, may request a closed hearing except that the last employer and each base period employer of the claimant shall be entitled to participate in any such hearing.

Medical records confidential

2714. All medical records of the department, except to the extent necessary for the proper administration of this part or as provided herein, shall be confidential and shall not be published or be open to public inspection in any manner revealing the identity of the claimant, or the nature or cause of his disability. Such records are not admissible in evidence in any action or special proceeding other than one arising under this division. The department may, however, reveal this identity only of any claimant to the Bureau of Vocational Rehabilitation of the Department of Education, but such information shall remain confidential and shall not be disclosed by this bureau.

(Amended by Stats. 1953, Ch. 1748.)

[ORIGINAL SECTION]

2714. All medical records of the department, except to the extent necessary for the proper administration of this part, shall be confidential and shall not be published or be open to public inspection in any manner revealing the identity of the claimant, or the nature or cause of his disability. Such records are not admissible in evidence in any action or special proceeding other than one arising under this division.

CHAPTER 3. ADDITIONAL BENEFITS
(Amended by Stats. 1953, Ch. 1294)

[ORIGINAL HEADING]

CHAPTER 3. HOSPITAL BENEFITS

Short title

2800. The provisions of this chapter shall be known as the Jesse Mayo Disability Insurance Hospital Benefits Law.

(Added by Stats. 1953, Ch. 1279.)

Additional benefits during hospitalization

2801. During confinement in a hospital, an individual eligible for benefits under this part is entitled to receive in addition to all benefits otherwise provided in this division and irrespective of his receipt of remuneration from his employer, the amount of ten dollars ($10) for each day not in excess of 12 days in any one disability benefit period, during which he is so confined pursuant to orders of his physician.

(Amended by Stats. 1953, Ch. 1371. See Note following Section 2611.)

[ORIGINAL SECTION]

2801. During confinement in a hospital, an individual eligible for benefits under this part is entitled to receive in addition to all benefits otherwise provided in this division and irrespective of his receipt of remuneration from his employer, the amount of eight dollars ($8) for each day not in excess of 12 days in any one benefit year, during which he is so confined pursuant to orders of his physician.

No waiting period

2802. An individual eligible for additional benefits under this chapter shall not be subject to any waiting period requirement as a condition precedent to the receipt of any benefits under this part during the disability which caused the confinement.

(Amended by Stats. 1953, Ch. 1294.)

[ORIGINAL SECTION]

2802. An individual eligible for hospital benefits under this chapter shall not be subject to any waiting period requirement as a condition precedent to the receipt of any benefits under this part during the disability which caused the confinement.

"Day" defined

2803. "Day" as used in Section 2801 means any 24-hour period of time during which the claimant is in a hospital, or any 24-hour period or any part thereof for which a hospital charges a patient a full day's rate.

Workmen's compensation affects hospital benefits

2804. When an individual is furnished or is compensated for hospitalization pursuant to the Workmen's Compensation Law or an employer's liability law of this State or of any other state or of the Federal Government he shall be ineligible to receive the ten dollars ($10) per day as provided in Section 2801 for any day for which he is receiving or is eligible to receive

in the form of cash payments benefits under the Workmen's Compensation Law or an employer's liability law of this State or of the Federal Government or for which he is serving any waiting period required by any such law.

(Amended by Stats. 1953, Ch. 1371. See Note following Section 2611.)

[ORIGINAL SECTION]

2804. When an individual is furnished or is compensated for hospitalization pursuant to the Workmen's Compensation Law or an employer's liability law of this State or of any other state or of the Federal Government he shall be ineligible to receive the eight dollars ($8) per day as provided in Section 2801 for any day for which he is receiving or is eligible to receive in the form of cash payments benefits under the Workmen's Compensation Law or an employer's liability law of this State or of the Federal Government or for which he is serving any waiting period required by any such law.

CHAPTER 4. CONTRIBUTIONS

Worker contributions

2901. On and after May 21, 1946, each individual performing services for an employer in employment shall contribute to the Disability Fund the contributions required of such individual by Sections 984 and 985.

Self-exemption on religious grounds

2902. Notwithstanding any other provision of this division, any individual who adheres to the faith or teaching of any bona fide religious sect, denomination, or organization, and in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion, upon filing with the department and with each of his employers a statement declaring such adherence and dependence and disclaiming any benefits under this part, shall be exempt from contributions under this division in respect to any wages paid to him by any such employer in the calendar quarter in which such statement is filed and in all subsequent calendar quarters while such statement is in effect. Such individual shall be ineligible to receive benefits under this part based upon such wages.

Method of payment

2903. The time, procedure, manner of payment and collection of contributions under this part shall be in accordance with the provisions of Part 1 of this division.

CHAPTER 5. FINANCIAL PROVISIONS

Article 1. Disability Fund

(Article 1 added by Stats. 1953, Ch. 309, as part of codification)

Disability Fund

3001. The Unemployment Compensation Disability Fund is continued in existence as a special fund in the State Treasury, separate and apart from all other public money or funds of this State. The money and assets of this fund shall be held in trust by the State Treasurer and administered under the direction of the director exclusively, for the purpose of this part.

Custody and investment

3002. The State Treasurer is the treasurer of the Disability Fund and shall have the custody of all money belonging to the Disability Fund and not otherwise held, deposited or invested

under this part. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Disability Fund. The Department of Finance shall invest or otherwise deal with the Disability Fund under the supervision of the director.

Investments

3003. Except as provided in Section 3125, all surplus money in the Disability Fund may be invested solely in interest bearing obligations of the United States Government or of the State of California, and all interest or earnings therefrom shall be deposited in the Disability Fund.

Content of fund

3004. The Disability Fund consists of all contributions required of individuals under Section 984 with respect to wages paid by employers for employment; all money received for the purpose of disability benefits from the United States of America or any agency thereof, including the Social Security Board, or from any other source; and any property or securities acquired through the use of money belonging to the Disability Fund and all earnings of such money or securities.

Receipts from Federal Government

3005. All money received from the Federal Government for disability benefit purposes or for the administration of this part shall be deposited in the Disability Fund in accordance with the terms of the federal grant. Unless the Federal Government approves, no money made available to this State under Title 3 of the Social Security Act shall be used for disability benefits or for the administration of this part.

Worker contributions

3006. The director may requisition worker contributions collected under this division during the calendar years 1944 and 1945, and heretofore deposited or invested in the obligations of the Unemployment Trust Fund. Funds so requisitioned from the Unemployment Trust Fund subsequent to July 1, 1947, shall augment the contributions on deposit in the Disability Fund and shall be available for expenditure for the same purposes, except that no portion thereof shall be expended for the purposes of administering this part.

Interest to be deposited in Disability Fund

3007. In addition to the amount of worker contributions collected under this division during the calendar years 1944 and 1945 and heretofore deposited or invested in the obligations of the Unemployment Trust Fund, an amount equal to that sum multiplied by the annual average rate of interest received on the Unemployment Trust Fund for the periods subsequent to May 21, 1946, may also be requisitioned from the Unemployment Trust Fund and deposited in the Disability Fund to augment the amounts available for expenditure for the same purposes, except that no portion thereof shall be used for expenses of administration. In no event shall the total amount requisitioned from the Unemployment Trust Fund for the purposes of this part, including interest or other earnings, be in excess of the amount of worker contributions collected under this division and deposited or invested in the obligations of the Unemployment Trust Fund as provided by Public Law 719 of the Seventy-ninth Congress.

Collections to be deposited in Disability Fund

3008. All money collected under Section 984 on and after May 21, 1946, shall be deposited in the Disability Fund.

Refunds

3009. Refunds or judgments, and interest thereon, payable for contributions erroneously collected under Sections 984 and 985 subsequent to May 21, 1946, may be paid from the Disability Fund on warrants issued by the Controller under the direction of the director.

Unclaimed refunds

3010. Any amounts determined by the director or his authorized representatives to be payable to employing units or workers as refunds of amounts deposited in the various accounts of the Disability Fund which are unclaimed at the end of three years from such determination, shall be included in the revenue to the account in the Disability Fund in which it was deposited. The employing unit or person entitled to such payment shall not thereafter maintain any claim, action or proceeding with respect to such amounts.

Unclaimed warrants

3011. Whenever any warrant is drawn on an account in the Disability Fund by the State Controller or the director, and the same remains unclaimed after three years, the amount thereof shall revert to that account in the Disability Fund from which the amount was payable.

Appropriation

3012. All money in the Disability Fund is continuously appropriated without regard to fiscal years for the purpose of providing disability benefits pursuant to this part, including the payment of refunds or judgments, and interest thereon, the payment of disability benefits, and the payment of the expenses of administration of this part.

Administrative costs

3013. A sum to be determined by the Director of Finance, of amounts deposited in the Disability Fund, may be used for the necessary expenses of administration of this part in addition to any other fund or money available for such purpose. Such sum shall be available to the department for the payment of expenses of administration of this part only to the extent that money received from the United States or any of its agencies is not available for such purposes.

Withdrawals

3014. Withdrawals by the director from the Disability Fund for the payment of refunds or judgments and the payment of disability benefits are exempted from the operation of Section 16003 of the Government Code.

Summary statement of Disability Fund

3015. The director shall, as soon as practicable after the end of each calendar quarter, file with the Governor, the Department of Finance, and the Controller an abstract or statement showing the resources and liabilities and a summary statement of the transactions affecting the Disability Fund and the separate accounts thereof. The Department of Finance shall audit such abstracts and statements.

Article 2. Disability Administration Account

Revolving fund

3051. There is a disability administration account within the Disability Fund. The director may, without at the time furnishing vouchers and itemized statements, withdraw from

this account sums not to exceed in the aggregate two hundred fifty thousand dollars ($250,000) to be used as a revolving fund where payment of compensation earned, traveling expense advances, or other cash payments are necessary. At the close of each fiscal year or at any other time, upon the demand of the Department of Finance, the money so drawn shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

Article 3. Disability Benefit Payment Account

Disbursements

3075. The director shall, without presenting vouchers and itemized statements, withdraw from the Disability Fund any sums which he deems necessary for the payment of disability benefits for a reasonable future period. The Controller shall draw his warrant for any claim presented by the director for such payment and the Treasurer shall pay the warrant. Upon the withdrawal thereof, such sums shall be deposited in a disability benefit payment account in such bank or public depositary and under such conditions as the director determines, with the approval of the Department of Finance. Such bank or public depositary shall be one in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of such account. Money in this account shall be used solely to pay disability benefits by checks drawn on the account by the department pursuant to authorized regulations and no other disbursement shall be made from that account, except that amounts erroneously and illegally deposited in such account may be refunded. The procedure prescribed by such regulations shall satisfy and be in lieu of any and all statutory requirements of specific appropriation or other form of release by state officers of money in their custody prior to expenditure which might otherwise be applicable to withdrawals from such account.

Article 4. Extended Liability Account

Extended liability account

3101. The director shall maintain in the Disability Fund a separate account, to be known as the extended liability account. The extended liability account shall be charged with all disability benefit payments made on or after January 1, 1948, in respect to uninterrupted periods of disability which commenced after termination of employment.

Interest credited to account

3102. The director shall determine the sum of the amount of worker contributions collected under the Unemployment Insurance Act during the calendar years 1944 and 1945, plus the amount of worker contributions collected under Part 5 of Article 10 of that act prior to December 1, 1946. At the end of each calendar year, commencing with the calendar year 1946, an amount equal to such sum multiplied by the annual average rate of interest or other earnings on all investments of the Disability Fund, including the part, if any, of the contributions

collected during 1944 and 1945 deposited or invested in the obligations of the Unemployment Trust Fund, shall be determined by the director and credited to the extended liability account.

Extended liability charges against voluntary plans

3103. If the extended liability account shows an accumulated deficit at the end of any calendar year after interest and other earnings have been credited as provided in Section 3102, the director shall determine the ratio of such deficit to the total of all wages paid in employment during that year. At the end of each calendar year when the extended liability account shows such a deficit, the director shall make an assessment against each employer with employees covered under an approved voluntary plan during that year in an amount equal to the amount of wages exempt under Section 3252 for that year, multiplied by such ratio, but in no event shall any such assessment exceed three one-hundredths of 1 percent (0.03%) of such wages. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to the assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. The amounts of such assessments collected by the director shall be deposited in the Disability Fund to the credit of the extended liability account.

Deficits

3104. At the end of any calendar year when the extended liability account shows a deficit, the extended liability account shall be credited with an amount equal to the total of all wages not exempt under Section 3252 during that year, multiplied by the ratio determined pursuant to Section 3103, but in no event shall such credit exceed three one-hundredths of 1 percent (0.03%) of such wages.

Article 5. Investments in Central Office Building

Authority to invest funds

3125. The director may from time to time, with approval of the Department of Finance, invest the money in the Disability Fund for the construction and equipment of a building or buildings and appurtenant facilities for the use of the Department of Employment as a central office in Sacramento. Costs and expenses necessarily incurred in connection with such investments, including but not limited to the costs of preliminary plans, services, and negotiations, shall be a proper charge against that portion of the Disability Fund available by law for the payment of benefits and shall constitute a part of the investment. The aggregate amount which may be invested under this section shall not exceed nine million five hundred thousand dollars ($9,500,000) except that when necessary because of increased building costs the aggregate amount may be increased with approval of the Director of Employment and the State Public Works Board by an additional amount not to exceed nine hundred fifty thousand dollars ($950,000).

Of the amount herein authorized to be invested upon request of the Director of Employment, there shall be transferred by the Controller five hundred thousand dollars ($500,000) to the Department of Employment Contingent Fund in repayment of the amount authorized to be expended from that fund for preliminary plans and specifications under Chapter 34 of the Statutes of 1950 (Third Extraordinary Session).

(Amended by Stats. 1953, Ch. 1776.)

[ORIGINAL SECTION]

3125 The director may from time to time, with the approval of the Department of Finance, invest the money in the Disability Fund for the construction and equipment of a building or buildings and appurtenant facilities for the use of the Department of Employment as a central office in Sacramento. Costs and expenses necessarily incurred in connection with such investments, including but not limited to the cost of preliminary plans, services, and negotiations, shall be a proper charge against that portion of the Disability Fund available by law for the payment of benefits and shall constitute a part of the investment. The aggregate amount which may be invested under this section shall not exceed nine million five hundred thousand dollars ($9,500,000).

Occupancy of buildings and facilities

3126. Any buildings or facilities acquired pursuant to this article shall be primarily for the occupancy of the Department of Employment and, until such time as the investment is repaid, shall be subject to the administration and supervision of the Department of Employment in accordance with rules and regulations which shall be established by the department with the approval of the Department of Finance. Such regulations shall be comparable to those for the administration and supervision of other state-owned buildings.

Allocation of space

3127. The director shall allocate space to the agencies and services comprising the department. Any buildings or facilities acquired pursuant to this article may contain space in excess of the requirements of the Department of Employment and, until needed, may be leased or let by the director at such rental and upon such terms and conditions as may be approved by the Department of Finance.

Rental charge

3128. For all space allocated by the director to the agencies and services comprising the department, or otherwise leased or let by the director pursuant to this article, the director shall charge a rental, to be approved by the Department of Finance. All such rentals shall be paid into the Disability Fund as repayment of any money invested under the provisions of this article, together with interest to be compounded annually at the close of business on December 31st of each year at a reasonable rate to be determined by the director with the approval of the Department of Finance.

Jurisdiction and control

3129. When the money invested under the provisions of this article for the providing and equipment of buildings or facilities has been repaid to the Disability Fund together with interest, the jurisdiction and control of any such buildings or facilities, and the operation and management thereof, shall vest in the Department of Finance, but the Department of Employment shall have priority to occupy any space within said buildings

or facilities at rental rates not exceeding the cost of providing maintenance and other services.

Construction of buildings and facilities

3130. The construction of buildings and facilities under this article shall be subject to the provisions of the State Contract Act.

CHAPTER 6. VOLUNTARY PLANS

Application for approval

3251. An employer, a majority of the employees employed in this State of an employer, or both, may apply to the director for approval of a voluntary plan for the payment of disability benefits to the employees so electing; the benefits payable as indemnification for loss of wages under any voluntary plan shall be separately stated and designated in the plan "unemployment compensation disability benefits" separate and distinct from other benefits, if any.

Exemption from contributions

3252. Neither an employee nor his employer shall be liable for the worker contributions required under this division with respect to wages paid by the employer while the employee is covered by an approved voluntary plan.

Employee covered by an approved voluntary plan

3253. Except as provided in this article, an employee covered by an approved voluntary plan shall not be entitled to benefits from the Disability Fund for a disability which commenced while he is covered by the voluntary plan. Authorized regulations shall be prescribed to allow benefits to individuals simultaneously covered by one or more approved voluntary plans and the Disability Fund.

Requirements for approval of voluntary plans

3254. The director shall approve any voluntary plan except one filed pursuant to Section 3255, as to which he finds that all of the following exist:

(a) The rights afforded to the covered employees are greater than those provided for in Chapters 2 and 3 of this part.

(b) The plan has been made available to all of the employees of the employer employed in this State or to all employees at any one distinct, separate establishment maintained by the employer in this State. "Employees" as used in this subdivision includes such individuals in partial or other forms of short time employment and employees not in employment as the director shall prescribe by authorized regulations.

(c) A majority of the employees of the employer employed in this State or a majority of the employees employed at any one distinct, separate establishment maintained by the employer in this State have consented to the plan

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e). The employer has consented to the plan and has agreed to make the pay roll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of future employees.

(g) The plan will be in effect for a period of not less than one year and thereafter continuously unless the director finds

that the employer or a majority of his employees employed in this State covered by the plan have given notice of the termination of the plan. The notice shall be filed in writing with the director and shall be effective on the date indicated in the notice, but in any event not less than 60 days from the time of the filing of the notice.

(h) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund.

Voluntary plans for rotational workers

3255. When workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably, and several employers or some of them cooperate to establish a plan for the payment of wages at a central place or places, and have appointed an agent under Section 1096, such agent, or a majority of workers regularly paid through such central place or places, or both, may apply to the director for approval of a voluntary plan for the payment of disability benefits applicable to all employees whose wages are paid at one or more such central place or places. The director shall approve any voluntary plan under this section as to which it finds that all of the following exist:

(a) The rights afforded to the covered employees are greater than those provided for in Chapters 2 and 3 of this part, and are separately stated and designated "unemployment compensation disability benefits" separate and distinct from other benefits, if any.

(b) The plan applies to all employees whose wages are paid at such central place or places with respect to all employment for which wages are paid at such central place or places.

(c) Seventy-five percent of the workers regularly paid at the central place or places have consented to the plan prior to the filing of the initial application for approval.

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e) All employers paying wages through the central place or places have agreed to participate in the plan and the agent appointed under Section 1096 has agreed to make the pay roll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of all future employees paid at the central place or places.

(g) The plan is to be in effect for a period of not less than one year and, thereafter, continuously unless the director finds that the agent or a majority of the employees regularly paid at the central place or places has given written notice of termination of the plan. Such notice shall be filed in writing with the director at least 60 days before it is to become effective and, upon the filing, shall be effective as to wages paid after the beginning of the calendar quarter next following the end of the 60-day period.

(h) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund.

Pay roll deductions

3256. During the effective period of a plan approved under Section 3255 the employer, or his agent appointed under Section 1096, may make the pay roll deductions provided for by the plan, with respect to all employment covered by the plan.

Requirements for blanket coverage under voluntary plans

3257. Whenever eighty-five percent (85%) of the employees to whom a plan is available have consented to the plan, the employer, or seventy-five percent (75%) of the employees who have consented to the plan, or both, may elect to make the plan applicable to all employees to whom it is available, except those who reject the plan. In such case, there shall be filed with the director a notice stating that the requisite percentage of employees has consented to the plan and fixing the date upon which the plan will become applicable to all employees to whom it is available. At least 10 days before the date fixed in the notice, a notice shall be posted and circulated in a manner reasonably calculated to bring it to the attention of all employees to whom the plan is available but who have not consented thereto. The notice to such employees shall set forth the date the plan is to become applicable and the manner in which an employee may reject it.

From the time fixed in the notice filed with the director all employees to whom the plan is available shall be deemed to have elected to be covered by the plan, except those who advise the employer in writing of their rejection within the time fixed.

Every person employed after the date the plan becomes applicable and to whom the plan is available, shall be deemed to have elected to be covered by the plan from the time of employment unless he rejects the plan prior to or at the time of employment. Each employee at the time of employment shall be given a written notice specifying his right to consent to or to reject such plan and a written statement setting forth the essential features of the plan.

Any employee covered by a plan may withdraw from the plan as of the beginning of any calendar quarter upon giving reasonable notice in writing directed to the employer.

The form of the statement and the forms of the notices required under this section shall be approved by the director.

Security for noninsured plans

3258. If a voluntary plan does not provide for the assumption by an admitted disability insurer of the liability of the employer to pay the benefits afforded by the plan, the director shall not approve it unless the employer files with the director the bond of an admitted surety insurer conditioned on the payment by the employer of his obligations under the plan, or deposits with the director securities approved by him to secure the payment of such obligations. The penal sum of the bond or the amount of the deposit shall be determined by the director and shall be not less than one-half of the contributions which would have been paid by the employees to be covered by the plan during the preceding year, or one-half of the estimated contributions of such employees for the ensuing year, whichever is

greater. Upon approval, such bond, money, or securities shall upon his written order be deposited with the State Treasurer for the purpose herein specified. The Treasurer shall give his receipt for such deposits and the State shall be responsible for the custody and safe return of any securities so deposited.

Insurer liable for voluntary plan assessments

3259. Whenever an approved voluntary plan is insured by an admitted disability insurer, the insurer shall be substituted for the employer with respect to any assessments under this part which relate to the portion of the voluntary plan insured by such insurer.

Employee contributions to voluntary plans

3260. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan for the purpose of providing the disability benefits specified in this part and the costs as set forth in Section 3269 an amount not in excess of that which would be required by Section 984 if the employee were not covered by the plan.

Trust funds

3261. All money received or retained by an employer under a plan are trust funds and shall be separately accounted for by the employer. In the event of commingling of the funds or the bankruptcy or insolvency of the employer or the appointment of a receiver for the business of the employer, such funds are entitled to the same preference as are the claims of the State under Sections 1701 and 1702.

Withdrawal of approval of voluntary plan

3262. The director may after notice and hearing withdraw its approval of any voluntary plan if he finds that there is danger that the benefits accrued or to accrue will not be paid, that the security for such payment is insufficient, or for other good cause shown

Employee no longer covered by voluntary plan

3263. An employee who has ceased to be covered by an approved voluntary plan shall, if otherwise eligible, thereupon immediately become entitled to benefits from the Disability Fund to the same extent as though there had been no exemption from contributions as provided in this chapter

(Amended by Stats. 1953, Ch 1371 See Note following Section 2611.)

[ORIGINAL SECTION]

3263 An employee who has ceased to be covered by an approved voluntary plan shall, if otherwise eligible, thereupon immediately become entitled to benefits from the Disability Fund to the same extent as though there had been no exemption from contributions as provided in this chapter In computing the amount of benefits to which an employee is entitled from the Disability Fund during the remainder of a benefit year during a portion of which he received benefits under a voluntary plan, the amount of all benefits, at a weekly rate not exceeding the employee's weekly benefit rate pursuant to Section 2652, paid or to be paid to the employee under all approved voluntary plans during that benefit year, whether before or after cessation of coverage, shall be deducted from the benefits payable from the Disability Fund during that benefit year.

Appeals

3264. If any employer or insurer wholly or partially denies liability upon the claim of an employee for disability benefits under an approved plan, the employee may appeal the denial in the manner provided by law and authorized regulations for

an appeal on a claim for benefits payable out of the Disability Fund. All decisions of the Appeals Board denying benefits under this section shall be subject to review by the courts of this State by the exclusive remedy of filing a petition for writ of mandate. No such petition may be filed, however, until the employee exhausts the administrative remedies provided for in this division, nor may any other action be commenced by an employee upon a denial of his claim by his employer or insurer, as the case may be, other than that prescribed herein.

Appeal decision and enforcement

3265. If, on appeal, it is decided that an employee is entitled to receive disability benefits under an approved voluntary plan and the employer or insurer fails to pay the same within 15 days after notice of a decision by a referee or the Appeals Board, the director shall pay such benefits and assess the amount thereof against the employer or the insurer, and the provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to the recovery of such benefit payments. Amounts so collected shall be deposited in the Disability Fund.

Sharing of benefit charges

3266. The proportionate share as determined by authorized regulations of benefits paid from the Disability Fund pursuant to Section 3263 for a disability which commenced while an employee was wholly or partially covered under an approved voluntary plan shall be assessed against the employer responsible for benefits under such plan. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. The amounts of such assessments collected by the director under this section shall be deposited in the Disability Fund.

Reports and information to department

3267. Employers whose employees are participating in an approved voluntary plan and any insurer of an approved plan shall furnish such reports and information and make available to the department such records as the director may by authorized regulations require for the proper administration of this part.

Information from department

3268. The director shall, in accordance with authorized regulations, promptly furnish to employers, employees, or insurers, such information as may be required for the proper administration of an approved voluntary plan.

Assessments for administration

3269. The director shall in accordance with authorized regulations, determine each fiscal year the total amount expended for added administrative work arising out of voluntary plans. The total amount so determined shall be prorated among the approved voluntary plans in effect during that year on the basis of the amount of wages paid in employment by employers to individuals participating in such plans. The director shall make assessments of amounts so prorated against the employers responsible for benefits under such approved plans. The amount assessed shall not exceed two one-hundredths of 1 percent (0.02%) of the amount of wages paid in employment by em-

ployers to individuals participating in such plans. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to the assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. The amounts collected under this section shall be added to amounts otherwise made available for administration of this part.

Approval of plans

3270. The provisions of Section 3254 (h) and 3255 (h), dealing with substantial selection of risks adverse to the Disability Fund shall be inoperative during the calendar years 1954 and 1955.

(Added by Stats. 1953, Ch. 1371 See Note following Section 2611.)

DIVISION 10. REPEALS

Repeals

10000. The following acts and sections, together with all amendments thereof and all acts supplementary thereto, are hereby repealed:

General Laws

Year	Chapter	Page
1935	352	1226

Labor Code

Chapter 2 (comprising Sections 1680 and 1681) of Part 6, Division 2.

DIVISION 15. EFFECTIVE DATE

Operative date

15000. This act shall take effect on the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature but shall not become operative until January 1, 1954, and then only if the Secretary of Labor certifies that the provisions thereof are in conformity with the provisions of Title III of the Social Security Act, as amended, and Sections 1601, 1602 and 1603 of the Federal Unemployment Tax Act. If such certification is not made by January 1, 1954, this act shall become operative on April 1, 1954.

CHAPTER 309

An act to add Article 1 to Chapter 5 of Part 2, Division 1, of the Unemployment Insurance Code, relating to the Disability Fund.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

CHAPTER 310

An act to add Article 4 to Chapter 6 of Part 1, Division 1, of the Unemployment Insurance Code, relating to the Department of Employment Contingent Fund.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

CHAPTER 311

An act to add Article 3 to Chapter 6 of Part 1, Division 1, of the Unemployment Insurance Code, relating to the Administration Fund.

In effect, September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

CHAPTER 312

An act to add Section 1535 to the Unemployment Insurance Code, relating to the Unemployment Fund.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

CHAPTER 313

An act to add Article 2 to Chapter 6, of Part 1, Division 1, of the Unemployment Insurance Code, relating to the Unemployment Fund.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

CHAPTER 314

An act to amend Section 6 of Chapter 771 of the Statutes of 1937 and to amend Section 75105 of the Government Code, relating to the investment of Judges' Retirement Fund money.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6 of Chapter 771 of the Statutes of 1937 is amended to read:

Sec. 6. The State Treasurer and the State Controller acting jointly shall have authority to invest the moneys contained in said Judges' Retirement Fund in securities of the United States and the State of California subject to the restriction that no investment shall be made except upon the approval of the Director of the Department of Finance.

Authority to invest funds

SEC. 2. Section 75105 of the Government Code is amended to read:

75105. The State Treasurer and the State Controller acting jointly shall have authority to invest the money contained in the Judges' Retirement Fund in securities of the United States and the State, subject to the restriction that no investment shall be made except upon the approval of the Director of Finance.

SEC. 3. Section 2 of this act becomes operative only if Title 8 of the Government Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Title 8 takes effect, at which time Section 6 of Chapter 771 of the Statutes of 1937 is repealed.

Effect Stats 1953, Chap 206

CHAPTER 315

An act to amend Section 1702 of the Elections Code, and to add Section 34701.1 to the Government Code, relating to petitions for dissolution or disincorporation of cities or cities and counties.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1702 of the Elections Code is amended to read:

1702. Before circulating any petition relating to the annexation of territory by a city, the consolidation of cities, or cities and counties, the dissolution of a city, or an initiative petition in any city, the proponents thereof shall publish a notice of intention so to do, which notice shall be accompanied by a printed statement not exceeding 500 words in length of the reasons for the proposed petition.

Notice

SEC. 2. Section 34701.1 is added to the Government Code, to read:

Two-year existence

34701.1. No petition for the dissolution or disincorporation of a city, or city and county, may be circulated until after the expiration of two years from the date that such city, or city and county, was incorporated.

Legislative intent

SEC. 3. This act is intended merely to rearrange the statutory law relating to disincorporation proceedings and it shall not be construed to effect any substantive change in the law, but shall be construed merely as a rearrangement of existing statutory law.

CHAPTER 316

An act to amend Section 5750 of the Public Resources Code, relating to regional shore line park and recreation districts.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 5750 of the Public Resources Code is amended to read:

Limitation on indebtedness

5750. For the purpose of acquiring, constructing, or completing any improvement or improvements authorized by this article, or for the purpose of acquiring any land or property necessary or useful therefor, the board may incur an indebtedness not to exceed 5 percent of the assessed valuation of the real and personal property situated in the district. It may issue bonds for such indebtedness under and in full compliance with the provisions of Title 4, Division 4, Chapter 4, Article 1 of the Government Code. The provisions of that chapter, as they may exist from time to time and insofar as they may be applicable, shall govern all district bond issues, and the board of each district is the legislative branch of the district, and authorized to do all acts and things which may be done by the legislative branch of cities, towns, and municipal corporations in the incurring of indebtedness and the issuance and sale of bonds.

Taxes for the payment of the bonds shall be levied and collected in the manner provided in this article.

Signatures on bonds

The bonds issued under the provisions of this section shall be signed by the president of the board and the treasurer of the district, and countersigned by the secretary. The coupons shall be signed by the treasurer. If any officers whose signatures appear on the bonds or coupons cease to be officers before the delivery of the bonds to the purchaser, such signatures or countersignatures are, nevertheless, valid and sufficient for all purposes the same as if the officers had remained in office until the delivery of the bonds.

CHAPTER 317

An act to amend Section 5568 of the Public Resources Code, relating to financing improvements of regional park districts.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5568 of the Public Resources Code is amended to read:

Limitation on indebtedness

5568. For the purpose of acquiring, constructing, or completing any improvement or improvements authorized by this article, or for the purpose of acquiring any land or property necessary or useful therefor, the board may incur an indebtedness not to exceed 5 percent of the assessed valuation of the real and personal property situated in the district. It may issue bonds for such indebtedness under and in full compliance with the provisions of Title 4, Division 4, Chapter 4, Article 1 of the Government Code. The provisions of that chapter, as they may exist from time to time and insofar as they may be applicable, shall govern all district bond issues, and the board of each district is the legislative branch of the district, and authorized to do all acts and things which may be done by the legislative branch of cities, towns, and municipal corporations in the incurring of indebtedness and the issuance and sale of bonds.

Taxes for the payment of the bonds shall be levied and collected in the manner provided in this article.

Signatures on bonds

The bonds issued under the provisions of this section shall be signed by the president of the board and the treasurer of the district, and countersigned by the secretary. The coupons shall be signed by the treasurer. If any officers whose signatures appear on the bonds or coupons cease to be officers before the delivery of the bonds to the purchaser, such signatures or countersignatures are, nevertheless, valid and sufficient for all purposes, the same as if the officers had remained in office until the delivery of the bonds.

CHAPTER 318

An act to amend Section 5560 of the Public Resources Code, relating to the violation of regulations in regional park districts.

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5560 of the Public Resources Code is amended to read:

Penalty for violation of rule or regulation

5560. Any violation of any rule or regulation lawfully made by the board is a misdemeanor. Any judge of a justice court within any judicial district lying wholly or in part within the district, or any municipal court which may be established within the district, shall have jurisdiction of all prosecutions under this article for violations of any ordinances, rules or regulations adopted by the board of directors of any regional park district.

CHAPTER 319

An act to amend Section 8710.5 of the Water Code, relating to approval of plans of reclamation by the Reclamation Board.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 8710.5 of the Water Code is amended to read:

Applicable provisions of law

8710.5. Whenever any irrigation, drainage, levee, or flood control district makes application for the approval required by the next preceding section, all of the provisions of Division 15, Part 6, Chapter 2 of the Water Code which relate to works of reclamation by reclamation districts within the Sacramento and San Joaquin Drainage District shall be applicable to the works of such irrigation, drainage, levee, or flood control district.

CHAPTER 320

An act to amend Section 8129 of the Water Code, relating to improvement of nonnavigable streams.

In effect September 9, 1953

[Approved by Governor April 20, 1953. Filed with Secretary of State April 21, 1953.]

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

SECTION 1. Section 8129 of the Water Code is amended to read:

General fund insufficient

8129. Whenever, in the opinion of the board of supervisors, the general fund is insufficient to defray the cost of the improvements provided for under this article, the board may levy a tax or contract a bonded indebtedness therefor in the manner provided by Title 3 of the Government Code.

CHAPTER 321

An act to amend Sections 29193 and 29194 of the Government Code, relating to district budgets.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 29193 of the Government Code is amended to read:

29193. The estimate is the district budget and shall state:

Contents of estimate

(a) The probable revenues from sources other than taxation or assessment that will accrue during the next ensuing fiscal year.

(b) All expenditures required by the district for the next ensuing fiscal year.

(c) Any matter required by the board.

(d) Any matter required by the State Controller.

SEC. 2. Section 29194 of said code is amended to read:

29194. The estimates shall be made on forms prescribed by the State Controller.

Forms

CHAPTER 322

An act to amend Sections 19153 and 19154 of the Education Code, relating to educational facilities.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 19153 of the Education Code is amended to read:

19153. In no case shall the sum transferred to the library fund of any district be less than seventy-five dollars ($75) for each 35 units of average daily attendance or fraction thereof and for each 300 units of average daily attendance in the district during the preceding fiscal year exclusive of the average daily attendance of pupils of the seventh and eighth grades of the district attending a junior high school.

Sums to library

SEC. 2. Section 19154 of said code is amended to read:

19154. If the governing board of a district fails to file the request in writing, the county superintendent of schools shall transfer from the general fund of the district to the library fund of the district an amount not to exceed one hundred dollars ($100) for each 35 units of average daily attendance or fraction thereof and for each 300 units of average daily attendance in

Failure to file request

the district during the preceding fiscal year exclusive of the average daily attendance of pupils of the seventh and eighth grades of the district attending a junior high school.

CHAPTER 323

An act to amend Section 13001.2 of the Education Code, authorizing the employment of persons requiring certification qualifications and the payment of compensation to such person declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 13001.2 of the Education Code is hereby amended to read as follows:

Validation of prior employment

13001.2. The employment, heretofore, by governing boards of school districts of all persons in positions requiring certification qualifications and the payment of compensation to such persons for all services heretofore rendered to school districts is hereby authorized, ratified, confirmed and validated provided all of the following conditions have been met:

(a) Each such person has heretofore filed or registered, with the appropriate agency a valid certification document authorizing him to serve in the position in which he was employed.

(b) The application for such certification document was made to the issuing authority on or before the date upon which the actual service of such person in such position commenced

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:

There are many teachers who through no fault of their own were unable to register their credentials within the 30-day limit prescribed by law and are suffering by reason of having been deprived of their salary for periods of varying length, during which they rendered service to the school district and were at all times fully qualified to serve.

In order to restore the confidence of such teachers in the Public School System, and to encourage such teachers to remain in the teaching profession, rather than seeking employment in other fields subject to fewer strict regulations, at a time when an increase rather than a decrease in the number of teachers is essential to furnish an adequate education to the children of the State, it is necessary that this act go into immediate effect.

CHAPTER 324

An act to repeal Chapters 11, 12, and 13 of Division 4, and to add Chapters 15, 16, and 17 to Division 6 of the Agricultural Code, relating to the marketing of agricultural products.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapters 11, 12, and 13 of Division 4 of the Agricultural Code are repealed. Repeals

SEC. 2. The provisions of Chapters 15, 16, and 17 as added to Division 6 of the Agricultural Code by this act, insofar as they are substantially the same as the provisions of Chapters 11, 12, and 13 of Division 4 of said code as repealed by this act shall be construed as continuations of said last mentioned chapters and not as new enactments. No provision of Chapters 11, 12, or 13 of Division 4 of said code which had been superseded or otherwise modified prior to the enactment of this act shall be revived or given any other effect than it would have had if this act had not been enacted. Legislative intent

SEC. 3. Chapter 15 is added to Division 6 of said code, to read:

CHAPTER 15. PRODUCE EXCHANGES

4000. Any association of persons, firms, corporations and/or associations organized for the purpose of furnishing a medium for trading in butter, cheese or eggs, to facilitate the marketing of said products, or to establish their wholesale market value is a dairy produce exchange. Dairy produce exchange

4001. It is unlawful to establish or operate a dairy produce exchange without first obtaining from the director a license to do so. License

4002. Every dairy produce exchange, and any person, firm, association or corporation hereafter desiring to operate a dairy produce exchange, before engaging in such activity, shall file with the director a written application for a license, accompanied by the license fee of one hundred dollars ($100), and shall state the following information: Requirements

(a) The name under which said exchange proposes to operate.

(b) The location of its place of business.

(c) The names of its officers, directors, and the persons, firms, corporations or associations constituting its membership.

(d) A certified copy of its articles of incorporation, its constitution and by-laws, and the rules and regulations and bases of trade under which it proposes to operate.

4003. The director shall examine the application, and if he finds that the applicant has fully complied with the provisions of this chapter, he shall issue a license authorizing the applicant to operate a dairy produce exchange. The license shall recite in bold type that the issuance thereof is permissive only

and does not constitute a recommendation or endorsement of the rules and regulations or bases of trade under which said applicant proposes to operate.

Investigation, suspension or revocation of licenses

4004. The director may upon his own motion and shall, upon the verified complaint in writing of any person, investigate the actions of any dairy produce exchange and may temporarily suspend or permanently revoke licenses issued under the provisions of this chapter whenever the holder thereof is guilty of:

(a) Failure to supply all the information required by the provisions of subdivisions a, b, c, and d of Section 4002.

(b) Making any false statements or misrepresentations of facts to the director.

(c) Fraud or deception in his or its application for or procurement of a license.

(d) Any other conduct, whether of the same or a different character than hereinabove specified, which is unlawful.

(e) Violation of any law or ordinance of the State or any city or county of the rules of the Federal Trade Commission governing unfair trade practices in the handling of butter, cheese or eggs.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Judicial review

4005. If judicial review of the decision of the director is sought the decision of the director shall remain in effect pending the determination of such review, unless the party seeking review shall file with the court a bond in a sum to be fixed by the court, in favor of the people and conditioned upon the faithful performance of all those things which are ordered to be done, or the faithful observance of such restraint as may be directed by the director. Said bond shall be for the benefit of any person having dealings with, the person seeking review and any such person so dealing with the same shall have the right to commence a suit thereon in his own name against the person seeking review and his sureties.

License fee

4006. For each license, the director shall charge the sum of one hundred dollars ($100), which sum must accompany the application for the license Except as otherwise provided herein each license issued by the director shall continue in effect so long as the licensee shall continue in business, and shall pay a fee of one hundred dollars ($100) annually to the director. Such fee is payable on the first Monday of each calendar year.

Reports, records, etc

4007. The director may require such monthly or other periodical reports, records of market quotations and other statistical information as may be necessary to him in administering this chapter, and all such reports, statistics or information pertinent to each licensee shall be kept on file in the office of the director and subject to public inspection.

4008. The director shall have access to all records of every licensed dairy produce exchange, and may appoint a representative to sit with the board of directors or other governing body of such exchange.

4009. The director shall act as arbitrator in all cases of dispute or contention concerning the maintenance or operation of any licensed dairy produce exchange, or the by-laws, rules or regulations pertaining thereto. Upon receipt of any verified complaint concerning a licensed dairy produce exchange the director shall proceed to make a thorough investigation In this connection, he may conduct hearings, of which all interested parties shall receive due notice, and may require written statements setting forth the views of any or all contending parties. In this connection he shall invite the cooperation and solicit the opinion of the Federal Trade Commission and the Bureau of Agricultural Economics of the United States Department of Agriculture. On the basis of the information so obtained the director shall prescribe a tentative rule which shall be effective in the operation of any licensed dairy produce exchange for a period not to exceed 90 days. If, after such trial period, it shall appear that said tentative rule operates in a fair and equitable manner, it shall then upon order of the director be made a permanent rule of said licensed dairy produce exchange. If, in the conduct of any such investigation, it shall appear that any unlawful act or acts have been committed by any licensed dairy produce exchange, the director may initiate appropriate legal proceedings against such licenses. Disputes

4010. Any person who operates a dairy produce exchange without a license is guilty of a misdemeanor and shall also pay to the State one hundred dollars ($100) for each and every day of such operation; said moneys to be recovered by an action at law brought by the Attorney General in the name of the people. Penalties

4011. Any person who makes any false statement in applying for a license or violates any rule or decision of the director authorized by this chapter is guilty of a misdemeanor.

SEC. 4. Chapter 16 is added to Division 6 of said code, to read:

CHAPTER 16. MARKETING OF MILK AND OTHER DAIRY PRODUCTS

Article 1. Definitions

4100. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter. "Definitions"

4101. "Milk," "cream," "market milk" and "market cream" have the meaning of those terms defined in Division 4 of this code. "Dairy products" means buttermilk; flavored milk drinks; bottled milk drinks sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; ice cream, ice milk, and sherbet, separately, or in combination; ice cream mix; ice milk mix; and cottage cheese.

4102. "Distributor" means any person, whether or not such person is a producer or an association of producers, who pur-

chases or handles market milk, market cream, or dairy products for resale, including brokers, agents, copartnerships, cooperative corporations, and incorporated and unincorporated associations. The definition of "distributor" shall not include any of the following: (1) any retail store which is not engaged in manufacturing, processing or bottling milk, cream or dairy products; (2) any establishment where milk, cream, or dairy products are sold only for consumption on the premises and which is not engaged in manufacturing, processing, or bottling of milk, cream or dairy products; and (3) any producer who delivers milk or cream only to a distributor or manufacturer.

4103. "Manufacturer" means any person engaged in the business of manufacturing dairy products as said products are herein defined.

4104. "Producer" means any person who operates a dairy herd or herds producing milk or cream commercially and whose milk or cream is received or handled by any distributor or manufacturer. "Producer" includes any association of producers.

4105. "Producer-distributor" means any person who is both a producer of milk or cream and a distributor of milk, cream or dairy products. For the purpose of this chapter a "producer-distributor" shall be deemed to be a producer in any transaction involving the delivering of milk or cream produced by him to a distributor or manufacturer, and shall be deemed to be a distributor in any transaction involving the sale of milk, cream, or dairy products to a person who is not a distributor as defined in this article.

4106. "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionery, or other similar business where milk, cream, or dairy products are sold to the general public.

4107. "Wholesale customer" means any person who buys milk, cream or dairy products from a distributor or manufacturer for resale to consumers.

4108. "Consumer" means any person who buys milk, cream or dairy products for consumption and not for resale.

Article 2. Unfair Practices

Unfair practices

4125. In the marketing of market milk, cream and dairy products the methods of doing business or trade practices described in this article are hereby declared unfair practices and are unlawful.

Secret rebates, etc

4126. The payment, allowance, or acceptance of secret rebates, secret refunds, or unearned discounts, whether in the form of money or otherwise is an unfair practice.

Free inducements

4127. The giving of any milk, cream, dairy products, services, money, or articles of any kind except to bona fide charities for the purpose of securing or retaining the milk, cream or dairy products business of any wholesale customer or consumer is an unfair practice; provided, however, that nothing herein shall be construed to prohibit a distributor of frozen dairy products

for reasonable compensation as provided in Section 4138, from furnishing a wholesale customer with, and maintaining such refrigeration facilities as shall be reasonably necessary for the storage and preservation of the frozen products distributed by such distributor to such wholesale customer; provided further, that the use of said refrigeration facilities by any person for the storage or preservation of any product other than the frozen products distributed to said wholesale customer by the distributor furnishing such facilities is an unfair practice.

Special prices or services

4128. The extension to any wholesale customer or consumer of special prices or services not made available to all wholesale customers or consumers who purchase milk, cream, or dairy products of like quantity under like terms and conditions is an unfair practice.

Inducements to advertise

4129. No payment of money, credit, compensation, gift or loan of anything of value may be allowed or given to a wholesale customer for advertising or display in connection with the sale of a distributor's milk or cream or dairy products, or for the privilege of placing a sign, advertisement or other advertising material in, on or adjoining any premises occupied by such wholesale customer.

Outside advertising

4130. No outside advertising may advertise items other than the distributor's milk, cream and dairy products and items made from the same, except that the distributor may allocate not in excess of one-third of the advertising space to customer advertising.

Inside advertising

4131. Inside advertising material furnished by a distributor shall be confined and limited to the advertising of the milk, cream or dairy products manufactured by and/or distributed by the manufacturer or distributor of said milk, cream or dairy products and/or their agents and may include the name, brand, price or description of:

(a) The milk, cream and/or dairy products of said manufacturer or distributor.

(b) Fountain products which contain the milk, cream or dairy products as ingredients.

(c) Dessert items customarily sold in conjunction with the said milk, cream or dairy products.

False or misleading advertising

4132. Any false or misleading advertising of milk, cream or dairy products as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code is an unfair practice.

Discrimination in price

4133. Discrimination in price between wholesale customers, or between consumers, who purchase milk, cream, or dairy products of like grade and quality under like conditions of service where the effect of such discrimination may be substantially to lessen competition or to injure or destroy or prevent competition with the person who either grants or knowingly receives the benefit of such discrimination is an unfair practice; provided that nothing herein shall prevent differentials which make only due allowance for differences in the cost of the raw product used in such milk, cream, or dairy products, or the cost of manufacture, processing, sale or delivery resulting from

the different methods or quantities in which said commodities are manufactured, processed, sold or delivered.

Sale under cost

4134. The sale or offer to sell or giving of any article in any transaction involving the sale or disposal of milk, cream or dairy products, for less than the invoice or replacement cost thereof, whichever is lower, to secure or retain the milk, cream, or dairy products business of any wholesale customer or any person who buys as a consumer is an unfair practice.

4135. The sale of milk, cream, and dairy products at less than cost which, as used herein, shall mean the cost of raw product, plus all costs of manufacturing, processing, handling, sale and delivery, including overhead costs is an unfair practice. Evidence of cost, based on impartial audits or surveys, made within a reasonable time prior to an alleged violation of this section shall constitute prima facie proof of such cost at the time of the commission of such violation.

False statements

4136. False statements or representations, knowingly made, by any wholesale customer or consumer, or anyone acting on the behalf of either, to any distributor or manufacturer, or any representative thereof, that a competitor of such distributor or manufacturer has offered or is offering to sell, or is selling milk, cream, or dairy products to said wholesale customer or consumer at a lower price or prices than said manufacturer or distributor has offered or is offering to sell, or is selling the same, or that said competitor has offered or is offering to do, or is doing any of the business practices heretofore declared to be unfair and unlawful are unfair practices.

Loans

4137. The making or renewal of any money loans to any wholesale customers is an unfair practice.

Furnishing refrigeration facilities

4138. Refrigeration facilities may be furnished by distributor to retail stores and other wholesale customers, only to the extent that they are reasonably necessary for the preservation of frozen products distributed by said distributor on a rental basis for reasonable compensation as determined by the director after conducting a survey. Such compensation must provide for interest on investment, reasonable depreciation, and cost of repairs and maintenance during normal life of such facilities; provided, however, that nothing in the aforesaid fair trade practice provisions shall be construed to prohibit the distributor or manufacturer from placing such equipment on the premises of any wholesale customer and maintaining the same without charging compensation therefor when he satisfies the director, with facts, that said equipment is not accessible for ordinary service therefrom to customers of such wholesale customer, and that it is used only for storage and preservation of frozen products distributed by the manufacturer or distributor furnishing said equipment, and that it results in a reduction of the normal number of deliveries and a saving in delivery costs of such distributor or manufacturer.

Sale of equipment

4139. All equipment, including refrigeration facilities, may be sold to retail stores or other wholesale customers. Such sales may be made for cash or on a conditional sales contract, which

contract must provide for a payment of at least one-third cash and the balance to be paid on monthly installments for a term not to exceed 18 months. The prices prescribed in such conditional sales contract shall include interest at current rates, and shall include installation or maintenance for the life of said contract provided the distributor agrees to perform or cause to be performed such service.

Selling price of equipment

4140. The selling of any new equipment by a distributor or ice cream manufacturer to any customer or individual at a price other than the printed retail list price of the equipment manufacturer, jobber or their agent and at terms different than the printed retail terms of said equipment manufacturer or jobber or agent is prohibited.

Construction of article

4141. Nothing in this article shall be construed to prohibit the meeting, in good faith, of a lawful, competitive price or a lawful, competitive condition, nor shall any of said provisions be construed to prohibit a distributor from making conditional sales of equipment or other property, or from extending credit for merchandise purchased, or from paying a customer's obligations not prohibited hereunder to another distributor in connection with the transfer of said customer's business from the latter to the former; provided, however, that the terms and other conditions of the transactions permitted by this section shall conform to regulations prescribed by the director after investigation and determination by him that such regulations are consistent with good business practice.

Solicitation or collusion

4142. Solicitation by, or collusion or joint participation between or among, any manufacturer, distributor, wholesale customer, consumer, or any representative thereof, to commit any of the aforesaid unfair practices, or the use of any misrepresentation, threat, intimidation, or boycott to effectuate the commission of said unfair practices, shall make all persons participating therein subject to the penalties of this chapter.

Article 3. Applicability of Chapter

Liberal construction

4150. The provisions of this chapter shall be liberally construed as being complementary of and supplemental to the provisions of Chapter 17 of this division of this code. Whenever a provision of this chapter and a similar provision of said Chapter 17 is applicable to the same person and subject matter the provisions of said Chapter 17 shall control; and whenever a provision of this chapter is applicable to any person and subject matter as to which said Chapter 17 makes no express provision the provision of this chapter shall control.

Any person and subject matter to which this chapter is applicable shall not be subject to the provisions of the "Unfair Practices Act" of the State of California.

Article 4. Records

Necessary records

4160. Every distributor or manufacturer of milk, cream or dairy products shall keep the following records:

(a) A record of all milk, cream or dairy products received, detailed as to location, names and addresses of suppliers, prices paid, and deductions or charges made, and the use to which such milk or cream was put.

(b) A record of the quantity of each kind of milk or dairy product manufactured and the quantity and price of milk or dairy products sold.

(c) A record of the wastage or loss of milk or dairy products.

(d) A record of the items of handling expense.

(e) A record of all refrigeration facilities rented or furnished for storage purposes to wholesale customers, showing types and sizes of the same, the location of said facilities, and the original or duplicate original of all agreements covering rentals charged therefor.

(f) A record of all conditional sales of equipment or other property, the location of said property, and the original or duplicate original of all conditional sales contracts pertaining thereto.

(g) A record of all moneys loaned prior to the effective date of this amendment to wholesale customers, the terms and conditions of said loans, and the original evidence of the indebtedness based on said loans.

(h) Such other records as the director may deem necessary for the proper enforcement of this chapter.

Kind and grade

4161. All distributors shall keep a full and complete record of all milk, cream or dairy products sold, classified as to kind and grade, showing where sold, and the amount received therefor.

Access to records, papers, etc

4162. The director or his authorized agents shall have access to and may enter at all reasonable hours all places where dairy products are being processed, bottled, stored, kept or sold, or where the books, papers, records or documents pertaining to any and all transactions relating to dairy products are kept, and shall have the power to inspect and copy the same in any place within the State.

Records confidential

4163. Any record or report made to the director pursuant to the provisions of this article shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceedings or hearing before the director.

Article 5. Investigations and Hearings

Investigations and hearings

4175. The director, upon his motion or upon the receipt of any verified complaint shall investigate any transaction or transactions involving the violation of any provision of this chapter by any person, the director shall cause a copy of such complaint together with a notice of time and place of hearing of such complaint to be served personally or by mail upon such person. Such service shall be made at least 10 days before the hearing, which shall be held in the city or town in which is situated the business location of the person complained of, or in which the transaction complained of is said to have occurred.

The person complained of shall, at least three days prior to the date fixed for said hearing, serve upon the complaining party and file with the director a verified answer to all the allegations contained in said complaint. At the time and place appointed for such hearing the director, or his agents, shall hear the parties to such complaint, and shall enter in the office of the director at Sacramento a decision dismissing such complaint or specifying the facts established on such hearing. A copy of such decision shall be furnished to each, every and all the respective parties thereto. The director shall have full authority to administer oaths and take testimony thereunder, to issue subpenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpenas of said director shall be guilty of contempt and shall be certified to the superior court of the State, in and for the county wherein such contempt occurs, for punishment for such contempt in accordance with Sections 11180 to 11191, inclusive, of the Government Code.

Judicial review

4176. Any act of the director pursuant to the provisions of this chapter may be reviewed by any court of competent jurisdiction.

Article 6. Violations

Penalty

4180. The violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in a county jail not exceeding six months or by both such fine and imprisonment.

Civil liability

4181. Any person who violates any provision of this chapter shall be liable civilly in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

Injunction

4182. The director may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any order made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residences, or places of business may be in several counties and the violations separate and distinct Any proceeding brought hereunder shall be governed in all other respects by the provisions of Chapter 3, Title 7 of Part 2 of the Code of Civil Procedure.

Article 7. Manufacturers' Fees

Fees

4190. Manufacturers who are subject to the provisions of this chapter shall pay to the director on each gallon of ice cream

mix and on each gallon of ice milk mix manufactured by them a fee of four mills ($0.004) per gallon. Said fee is a maximum fee. The director may fix such fee at a less amount, and may adjust such fee from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed with such below-maximum fee. The amount of said fee shall be paid to the director on or before the fifteenth day of the month following the month in which said mix was manufactured. The amount so received by the director shall be paid into the Department of Agriculture Fund.

Article 8. Disposition and Use of Funds

Expenditure of funds

4195. Any moneys in the Department of Agriculture Fund derived under any of the provisions of Chapters 16 and 17 of Division 6 of this code may be expended for the administration and enforcement of any or all of the provisions of said chapters, notwithstanding any other provision of law limiting the expenditure of any such money to the specific purposes or to the administration or enforcement of each of said chapters separately.

SEC. 5. Chapter 17 is added to Division 6 of said code, to read:

CHAPTER 17. STABILIZATION AND MARKETING OF FLUID MILK AND FLUID CREAM

Article 1. General Provisions

Affected with a public interest

4200. The production and distribution of fluid milk and of fluid cream and the dissemination of accurate, scientific information as to the importance of milk and other dairy products in the maintenance of a high level of public health, is hereby declared to be a business affected with a public interest. The provisions of this chapter are enacted in the exercise of police powers of this State for the purpose of protecting the health and welfare of the people of this State.

Legislative purpose

4201. It is hereby declared that fluid milk and fluid cream are necessary articles of food for human consumption; that the production and maintenance of an adequate supply of healthful milk of proper chemical and physical content, free from contamination, is vital to the public health and welfare, and that the production, transportation, processing, storage, distribution or sale of fluid milk and fluid cream in the State of California is an industry affecting the public health and welfare; that unfair, unjust, destructive and demoralizing trade practices have been carried on and are now being carried on in the production, marketing, sale, processing or distribution of fluid milk and fluid cream, which constitute a constant menace to the health and welfare of the inhabitants of this State and tend to undermine sanitary regulations and standards of content and purity, however effectually such sanitary regulations may be enforced; that health regulations alone are insufficient to prevent disturbances in the milk industry which threaten to de-

stroy and seriously impair the future supply of fluid milk; and to safeguard the consuming public from future inadequacy of a supply of this necessary commodity; that it is the policy of this State to promote, foster and encourage the intelligent production and orderly marketing of commodities necessary to its citizens, including milk, and to eliminate speculation, waste, improper marketing, unfair and destructive trade practices, and improper accounting for milk purchased from producers.

Marketing areas

4202. It is recognized by the Legislature that conditions within the milk industry of this State are such that it is necessary to establish marketing areas wherein different prices and regulations are necessary, and for that purpose the Director of Agriculture of this State shall have the administrative authority, with such additional duties as are herein prescribed, after investigation and public hearing, to prescribe such marketing areas and modify the same when advisable or necessary.

4203 The foregoing statements in this article of facts, policy and application of this chapter are hereby declared a matter of legislative determination.

Purposes

4204. The purposes of this chapter are:

(a) To provide funds for administration and enforcement of this act, by assessments to be paid by producers of fluid milk or fluid cream, or both, and from licenses issued to distributors in the manner prescribed herein.

(b) To authorize and enable the director to prescribe marketing areas and to determine prices to producers for fluid milk or fluid cream, or both, which are necessary due to varying factors of costs of production, health regulations, transportation and other factors in said marketing areas of this State; provided, that the cost to distributors within any marketing area, for fluid milk or fluid cream shall be uniform with all other distributors purchasing fluid milk and fluid cream of similar grade or quality under like terms and conditions.

(c) To authorize and enable the director to formulate stabilization and marketing plans subject to the limitations herein prescribed with respect to the contents of such stabilization and marketing plans and declare such plans in effect for any marketing area.

(d) To enable the dairy industry with the aid of the State to correct existing evils, develop and maintain satisfactory marketing conditions, and bring about a reasonable amount of stability and prosperity in the production and marketing of fluid milk and fluid cream and provide means for carrying on essential educational activities.

Legislative intent

4205. It is the intent of the Legislature that the powers conferred in this chapter shall be liberally construed. Nothing in this chapter shall be construed as permitting or authorizing the development of conditions of monopoly in the production or distribution of fluid milk or fluid cream. In the establishment of the terms and conditions under which fluid milk and fluid cream shall be purchased from producers, and under which distributors and retail stores shall sell and distribute the same,

such terms and conditions shall be those which will, in the several localities and markets of the State and under the varying conditions of production and distribution insure an adequate and continuous supply of pure fresh wholesome fluid milk and fluid cream to consumers thereof at fair and reasonable prices.

Article 2. Definitions

Definitions

4210. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

4211. "Board" means any local control board created as authorized in this chapter.

4212. "Fluid milk" means any and all whole or concentrated milk that is produced in conformity with applicable health regulations for market milk of the place where such milk is consumed.

4213. "Fluid cream" means cream as defined in this code, and any combination of cream and milk, or any fluid product of milk or cream sold under any trade name whatsoever, which is not packaged in hermetically sealed containers and which contains more than 11.6 percent milk fat and conforms to the health and sanitary regulations of the place where sold or disposed of for human consumption.

4214. "Dairy products" includes any product manufactured from milk or any derivative or product of milk.

4215. "Producer" means any person who produces fluid milk from five or more cows or goats in conformity with the applicable health regulations of the place in which it is sold, and whose fluid milk or fluid cream is received or handled by any distributor. "Producer" includes any association of producers.

4216. "Distributor" means any person, whether or not such person is a producer or an association of producers, who purchases or handles fluid milk or fluid cream for sale, including brokers, agents, copartnerships, cooperative corporations and incorporated and unincorporated associations. The definition of "distributor" shall not include any of the following: (1) Any retail store that is not engaged in processing and packaging fluid milk or fluid cream, (2) any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not engaged in processing and packaging fluid milk or fluid cream, (3) any person owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream, (4) any producer who delivers fluid milk or fluid cream only to a distributor.

4217. "Producer-distributor" means any person who is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor shall be deemed to be a producer in any transaction involving the delivery of fluid milk or fluid cream produced by him to a dis-

tributor, and shall be deemed to be a distributor in any transaction involving the delivery of fluid milk or fluid cream to a person who is not a distributor as defined in this article.

4218. "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionery, or other similar business, where fluid milk or fluid cream is sold to the general public for consumption off the premises.

4219. "Marketing area" is any area within this State declared to be such in the manner prescribed in this chapter.

4220. "Stabilization and marketing plan" means any plan formulated and made effective by the director within the legislative standards provided by this chapter and shall include, among other things, the establishing of prices to be paid by distributors for any or all of the various classes of fluid milk or fluid cream.

4221. "Consumer" means any person who purchases fluid milk, fluid cream or dairy products for consumption.

4222. "Person" means any individual, firm, corporation, association or any other business unit.

Article 3. Classes of Fluid Milk

4225. Fluid milk may be classified for the purposes of this chapter as provided in this article. *Classifications*

4226. Class 1 comprises any fluid milk or the cream therefrom that is supplied to consumers as market milk or market cream or concentrated milk or any combination of market milk and market cream, or any market milk which is not packaged in hermetically sealed containers, or any other dairy product in which the use of market milk is required by the provisions of this code, or any fluid milk or the cream therefrom which is used in standardizing market milk. *Class 1*

4227. Class 2 comprises such milk or the cream derived therefrom, as cream is defined in this code, that is sold or disposed of by distributors in any form not included in Classes 1 or 3. *Class 2*

4228. Class 3 comprises such milk or the cream derived therefrom, as cream is defined in this code, that is used by distributors in the manufacture of butter and cheese other than cottage cheese. *Class 3*

4229. In the establishment of the minimum prices for one or more of the respective classes separate prices may be established for the milk fat contained in such milk or the skim milk contained in such milk or a combination of the milk fat and the skim milk contained in such milk. *Minimum prices*

4230 In designating and prescribing or providing methods for designating and prescribing minimum price to be paid by distributors to producers for Classes 1, 2 or 3 fluid milk, the director may take into consideration the market price of all milk which may be used for the same purposes set forth in such respective classes. *Methods of designating*

Article 4. General Powers of the Director

Powers
Rules and regulations

4240. The director shall enforce the provisions of this chapter and any stabilization and marketing plan initiated pursuant to the provisions of this chapter, and for that purpose may make such rules and regulations as he deems necessary.

Hearings and investigations

4241. The director shall have and may exercise any or all the powers conferred by the Government Code upon the head of a department of the State with respect to hearings and investigations under this chapter.

4242. The director is hereby declared to be the instrumentality of this State for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent herein expressed, and is hereby vested with the administrative authority described in this chapter.

Access to records, etc.

4243. The director may investigate any and all transactions between producers and distributors or among distributors or between distributors and retail stores or between distributors and consumers or between retail stores and consumers, and for that purpose the director or his authorized agents shall have access to and may enter at all reasonable hours all places where milk is being stored, bottled or manufactured, or where milk or milk products are being bought, sold or handled, or where the books, papers, records or documents relating to such transactions are kept, and shall have power to inspect and copy the same in any place within the State.

Licenses

4244. The director may issue licenses to distributors and require the registration of producers.

Stabilization and marketing plan

4245. The director may formulate any stabilization and marketing plan as prescribed in this chapter and declare the same effective after public hearing and reasonable notice by mail or otherwise to all producers and distributors of record with the director, affected by such plan.

Minimum prices

4246. The director may prescribe minimum prices to be paid by distributors in accordance with a stabilization and marketing plan for fluid milk and classify said milk according to usage by distributors; provided, that the prices so prescribed shall be based upon the economic relationship of the price of fluid milk for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid milk over and above such costs incurred in producing and marketing manufacturing milk.

4247. The director may prescribe minimum prices to be paid by distributors for fluid cream in accordance with a stabilization and marketing plan; provided, that the prices so prescribed shall be based upon the economic relationship of the price of fluid cream for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid cream over and above such costs incurred in producing and marketing manufacturing milk.

4248. The director may amend or terminate any stabilization and marketing plan, after notice and public hearing as prescribed in Article 5, in the event that he finds that such plan is no longer in conformity with the standards prescribed in, or will not tend to effectuate the purposes of, this chapter. Such hearing may be held upon the motion of the director and shall be held upon receipt of a petition signed by producers representing not less than 55 percent of the total number of all producers and not less than 55 percent of the total production of all producers who are eligible to petition the director for the formulation of such plan. Termination of plan

4249. The director may amend, after notice and public hearing called and held in the same manner as provided in Article 10, any minimum wholesale and retail prices established under the provisions of this chapter, in the event that he finds that any such price is, or that any such prices are, no longer in conformity with the standards prescribed therefor, or will not tend to effectuate the purposes of this chapter. Amendment and termination of minimum prices

4250. The director may terminate any such minimum wholesale and retail prices without notice or hearing at any time that there is no stabilization and marketing plan in force and effect in such marketing area.

4251. The director may appoint a local control board for any marketing area, in the event that he deems such board necessary or advisable. Local control board

4252. The director may remove any member from a local control board in the event that he finds such member, after hearing, is guilty of nonfeasance or malfeasance in office. Removal of member

4253. The director may appoint a member to fill a vacancy on a local control board. Vacancy

4254. A full and accurate record of business or acts performed or of testimony taken by the director in pursuance of the provisions of this chapter shall be kept and placed on file in the office of the director. Record

4255. Any order of the director hereunder substantially affecting the rights of any interested party may be reviewed by any court of competent jurisdiction. Any such action must be commenced within 30 days after the effective date of the order complained of or within 30 days after the injurious effect complained of becomes reasonably apparent. Judicial review

4256. The director may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any order made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residence, or place of business, may be in several counties and the violations separate and distinct. Any proceeding brought hereunder shall be governed in all other respects by the provisions of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure. Injunction

Agreement, with United States, other states, etc

4257. The director may confer, enter into agreements, or otherwise arrange with the constituted authorities of this State, other states, or agencies of the United States with respect to plans relating to the stabilization and distribution of fluid milk and fluid cream within this State or as between this State and other states or the United States, and may exercise his powers hereunder to effectuate and enforce such plans.

"Department of Agriculture Fund"

4258. All money received by the director hereunder shall be paid monthly into the State Treasury to the credit of the "Department of Agriculture Fund."

Consolidated hearings

4259. Whenever the director determines that it is probable that one or more factors or conditions which affect prices of fluid milk and fluid cream have changed on a relatively uniform basis throughout two or more marketing areas he may consolidate the hearings on the matter of price changes for such areas. No price change shall be made as a result of such a consolidated hearing unless it is uniform throughout the areas affected.

Article 5. Formation and Adoption of Stabilization and Marketing Plans

Marketing areas

4270. The director shall designate marketing areas which he deems necessary or advisable to effectuate the purposes of this chapter, and wherein he finds the conditions affecting the production, distribution and sale of fluid milk, fluid cream or both are reasonably uniform. The director shall have the power to establish additional areas or to modify areas theretofore established when he deems the establishment or modification of such areas necessary or advisable to effectuate the purposes of this chapter. When the director finds, after a public hearing in and for each particular marketing area under consideration for consolidation, that conditions of production and distribution are reasonably uniform in two or more such marketing areas wherein stabilization and marketing plans and minimum wholesale and minimum retail prices are in effect, he may consolidate the areas; provided, that at said hearings more than thirty-five (35) percent of the producers present who supply the areas proposed to be consolidated do not object to such consolidation.

Public hearings

4271. The director shall, prior to the formulation of a stabilization and marketing plan for fluid milk for any marketing area, conduct a public hearing in said area for the purpose of determining whether or not producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area and who represent not less than 65 percent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who produce not less than 65 percent of the total volume of the fluid milk produced for said marketing area by all such producers, desire that a stabilization and marketing plan for fluid milk be formulated for said area; but if a petition is presented to the director by the producers whose

major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who represent not less than 65 percent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who produce not less than 65 percent of the total volume of the fluid milk produced for said marketing area by all such producers, it shall not be necessary that such hearing be held.

4272. The director shall, prior to the formulation of a stabilization and marketing plan for fluid cream for any marketing area, conduct a public hearing in said area for the purpose of determining whether or not producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for said marketing area and who represent not less than 65 percent of the total number of producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for said marketing area and who produce not less than 65 percent of the total volume of fluid milk for fluid cream produced for said marketing area by all such producers, desire that a stabilization and marketing plan for fluid cream be formulated for said area; but if a petition is presented to the director by producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for said marketing area and who represent not less than 65 percent of the total number of producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for the marketing area and who produce not less than 65 percent of the total volume of fluid milk for fluid cream produced for said marketing area by all such producers, it shall not be necessary that such hearing be held

Notice of hearing

4273. If the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan for fluid milk or fluid cream or both for such area and issue a notice of public hearing upon the plan formulated to all producers and distributors of record with the Department of Agriculture who may be subject to the provisions of such plan. The notice of hearing may be effected by mail, or by publication for five successive days in a newspaper of general circulation in the area designated and shall specify the time and place of such hearing, which shall not be held prior to 10 days from the mailing, or from the final publication of such notice; provided, however, that if no daily newspaper of general circulation is published in the area designated, publication of notice for two successive weeks in a weekly newspaper of general circulation in the area will be considered proper publication of notice At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by the director whether the plan proposed will accomplish the purposes of this chapter If, after public hearing the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards herein prescribed, he shall issue an order to all pro-

ducers and distributors of record with the director and subject to the provisions of such plan, declaring such plan in effect within 30 days from the date of such hearing.

Local control boards

4274. The director may appoint local control boards for the marketing areas established as prescribed in this chapter to assist and advise him in matters pertaining to the production and marketing of fluid milk or fluid cream or both or to the operation of a stabilization and marketing plan. The board shall consist of seven members who shall be producers who supply fluid milk or fluid milk for fluid cream to the particular marketing area. The term of office of each such member shall be two years, unless the plan is terminated before said term expires. Said local board may meet in regular session each month, and each member shall be allowed ten dollars ($10) per diem and mileage at the rate of five cents ($0.05) per mile for attending such regular meetings. The board, or any member thereof, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Said board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. The board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of assessments and licenses paid to the director under the plan upon verified claims presented by the board to the director. The board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

Article 6. Mandatory Provisions

Unfair practices prohibited in plan

4280. Each stabilization and marketing plan shall contain provisions for prohibiting distributors and retail stores from engaging in the unfair practices hereinafter set forth:

(a) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(b) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream business of any customer.

(c) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream of like quantity under like terms and conditions.

(d) The false or misleading advertising of fluid milk or fluid cream as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code.

(e) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such pro-

ducer or association of producers stating the amount of fluid milk to be purchased for any period. The quantity of such milk to be paid for as Class 1 in pounds of milk or pounds of milk fat or gallons of milk, and the price to be paid for all milk received, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class. The contract shall also state the date and method of payment for such fluid milk, which shall be that payment shall be made for approximately one half of the milk delivered in any calendar month not later than the first day of the next following month and the remainder not later than the 15th day of said month, the charges for transportation if hauled by the distributor, and may contain such other provisions as are not in conflict with this chapter, and shall contain a proviso to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at the minimum price for fluid milk that is used for Class 3, as said class is defined in Section 4228. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution.

(f) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream which is to be or is sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(g) The payment of a lesser price by a distributor to any producer for fluid milk or fluid cream which is distributed to any person, including agencies of the federal, state or local government, located upon property within the geographical limits of any marketing area for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk or fluid cream for said marketing area.

Plan to contain minimum prices for fluid milk

4281. Each such plan shall contain provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers, for fluid milk in one or more of the various classes; provided, however, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid milk for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid milk over and above costs incurred in producing and marketing manufacturing milk; and provided further, the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome milk.

Article 7. Optional Provisions

Report

4290. Each stabilization and marketing plan may contain provisions whereby distributors shall report to each producer from whom fluid milk is secured, the volume of fluid milk received from such producer in pounds of milk, the milk-fat test of such milk and the amount of fluid milk in milk-fat pounds paid for in the several classes and the prices paid for the various classes for each month.

Prescribing minimum prices for fluid cream, etc

4291. Each such plan may contain provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers for fluid cream; provided, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid cream for the marketing area involved to the price of manufacturing cream, taking into consideration the additional costs incurred in producing and marketing fluid cream over and above costs incurred in producing and marketing manufacturing milk; and provided further, that the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome cream.

4292. Each such plan may contain provisions whereby the director may provide methods for the establishment of minimum prices for fluid milk or fluid milk for fluid cream received within a marketing area regardless of whether such fluid milk or fluid milk for fluid cream is subsequently sold or distributed within or without such marketing area or within or without the jurisdiction of the State of California. Such stabilization and marketing plans may provide for the establishment of prices for fluid milk or fluid milk for fluid cream whether or not such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in another marketing area within the State of California where a stabilization and marketing plan is in effect. The stabilization and marketing plan may provide that producers shall be paid not less than the minimum prices established for the marketing area wherein such fluid milk or fluid milk for fluid cream is ultimately sold or distributed, and may further provide that in the event such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in any place within the jurisdiction of the State of California where no stabilization and marketing plan is in effect, then such fluid milk or fluid milk for fluid cream may be paid by the distributor to the producer thereof at not less than the average price paid by distributors to producers for fluid milk or fluid milk for fluid cream of similar grade and quality at the plants in the vicinity where such fluid milk or fluid milk for fluid cream is so sold or distributed, as such prices are determined by the director from contracts required to be filed with him pursuant to Section 4280.

Milk not used as Class 1 milk

4293. The director may issue and make effective provisions establishing minimum prices to be paid by distributors to pro-

ducer-distributors for milk which is not used by the purchasing distributor as Class 1 milk and which provisions may provide that such milk if used in classes other than Class 1 by the purchasing distributor may be paid for at the minimum prices established by the director for such other usage but which shall not be less than the prices as found by the director to be paid by manufacturing milk plants in or adjacent to the area using milk for similar purposes. Such prices shall remain in effect only for the period during which, as determined by the director, there is a surplus of producer-distributor milk.

Equalization pool

4294. Each such plan may contain provisions whereby the director designates or prescribes methods to provide uniform prices to be paid to all producers supplying fluid milk to distributors for pasteurization purposes in the marketing area involved by pooling the returns of all such fluid milk; provided, that no equalization pool shall be established unless the director, after hearing, determines that producers who supply distributors with not less than sixty-five (65) percent of the total volume of fluid milk used for pasteurization purposes and who represent not less than sixty-five (65) percent of the total number of such producers desire the establishment of such pool, but no hearing shall be necessary if said sixty-five (65) percent, by volume and production, of such producers petition the director in writing to establish such equalization pool as a part of the plan. If the director finds that an equalization pool is necessary to carry out the provisions of this chapter he shall make provision therefor. The director may designate the local control board for the marketing area as his agency to operate the equalization pool and may permit such local board to employ a pool manager and such other necessary personnel and to incur such expenses incidental to the operation of the pool as the director finds are necessary. The director is hereby empowered to require distributors to make reports to the pool manager at such intervals and in such detail as he finds is necessary for the operation of the pool which reports shall be kept confidential as to any individual distributor but shall be available to the director or his agents and the pool manager, and such employees of the pool as are necessary to the operation of the equalization pool.

Premiums and differentials

4295. No provision of any pooling program shall prevent any distributor from paying premiums for quality; provided, all producers supplying fluid milk of like quality to such distributor are paid similar premiums, nor shall any provision prohibit the paying of different prices to producers based on differentials in transportation, adjustments or deductions made by a cooperative association of producers to its members, including the blending of proceeds received from the sale of fluid milk by such cooperative in other markets. Distributors who purchase fluid milk from producers for pasteurization purposes shall deduct from payments due such producers at such time and in such manner such sums as the director determines are sufficient to insure uniform prices to all producers subject to

Deductions

the provisions of the equalization pool, irrespective of the usage of such fluid milk by the distributors. Distributors shall make, in addition to the deductions herein prescribed, such additional deductions per pound milk fat as the director finds necessary to pay all expenses incidental to the operation of the equalization pool, including the establishment of a reserve account to insure prompt payments to producers. The deductions herein prescribed are in addition to any other deductions prescribed by this chapter.

Prohibition

4296. No distributor subject to the provisions of any stabilization and marketing plan shall purchase milk from producers who do not comply with the provisions of this chapter and such plan. No such plan shall involve a limitation upon the production of fluid milk or fluid cream.

Article 8. Sales Stimulation and Consumer Educational Programs

Sales stimulation and consumer educational programs

4310. Each stabilization and marketing plan may contain provisions whereby sales stimulation or consumer educational programs may be formulated and administered to increase the consumption of fluid milk and fluid cream, or other dairy products; provided, that such programs shall be carried on without reference to a particular brand or trade name; and provided further, that no such sales stimulation or consumer educational program shall be carried on which shall make use of false or unwarranted claims on behalf of such products or which disparages the quality, value, sale or use of any fluid milk or fluid cream or any other agricultural commodity authorized by law to be marketed within such marketing area.

Petition

4311. Before any stabilization and marketing plan may provide for sales stimulation and consumer educational programs, not less than sixty-five (65) percent of the producers and who produce not less than sixty-five (65) percent of the total volume of fluid milk consumed in any marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan. If such a program is requested by distributors it shall be necessary that not less than sixty-five (65) percent of the total number of distributors and who distribute not less than sixty-five (65) percent of the total volume of fluid milk for consumption in the marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan.

4312. The petition shall bear the signatures of petitioners, their addresses and the approximate daily volume of fluid milk handled in gallons and milk-fat pounds and the type of product distributed, together with the estimated cost of the program each month and the number of months the program is to continue in operation.

Financing

4313. A sales stimulation and consumer educational program instituted by producers shall be financed by all producers supplying fluid milk to the marketing area. Such program, if

instituted by distributors, shall be financed by all distributors supplying fluid milk to the marketing area. If such program is instituted by both producers and distributors, both producers and distributors shall finance the program equally.

Producer assessments

4314. If the program is instituted by producers the director is hereby empowered to require producers to pay assessments of not more than two mills ($0.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills ($0.007) for each 10 gallons of fluid milk received by distributors, including the production of distributors who are also producers.

Distributor assessments

4315. If the program is instituted by distributors the director is hereby empowered to require distributors to pay assessments of not more than two mills ($0.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills ($0.007) for each 10 gallons of fluid milk received by distributors, including the production of distributors who are also producers.

Joint assessments

4316. If the program is instituted by both producers and distributors, the director is hereby empowered to require both producers and distributors to pay assessments for the purpose of providing funds for formulating, administering, and carrying on such program. The assessments to be paid by distributors shall not exceed two mills ($0.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills ($0.007) for each 10 gallons of fluid milk received by distributors including the production of distributors who are likewise producers. Assessments of not more than two mills ($0.002) per pound milk fat, or if the program is instituted upon a gallonage basis, not more than seven mills ($0.007) for each 10 gallons of fluid milk produced by producers and received by distributors, shall likewise be paid by producers. In no instance shall the combined assessments exceed four mills ($0.004) per pound milk fat, or if the program is instituted upon a gallonage basis not more than fourteen mills ($0.014) for each 10 gallons of fluid milk received from producers and processed by distributors for distribution in the marketing area in the form of whole milk, fluid cream, or manufactured dairy products derived from fluid milk.

Public hearing

4317. Before a program may be instituted a public hearing shall be called by the director, the procedure for which public hearing is to be the same as that required for the institution of a stabilization and marketing plan for fluid milk. At such public hearing testimony and evidence shall be taken to determine the necessity of such a program, the estimated costs of the program, the time during which the program is to be continued, and such other matters as are necessary in the institution of the program.

Effectuating program

4318. If, after public hearing and consideration of the testimony and evidence presented at said hearing, the director finds that a sales stimulation and consumer educational program will tend to effectuate the purposes of this chapter, he shall issue an

order making effective such program. Such order shall state the number of months the program shall continue in operation, the rate of assessment per pound milk fat or per gallon to be paid by those petitioning for the program, the names, addresses and business locations of the persons appointed to administer the program and such order may contain other provisions which are necessary and incidental to the operation of the program.

Administration

4319. The person named in the order to administer the program shall be selected by the director in the following manner and in the following number:

(a) If the program was instituted by producers the director shall name five representative producers from nominations made at the public hearing by the petitioners.

(b) If the program was instituted by distributors the director shall name five representative distributors from nominations made at the public hearing by the petitioners.

(c) If the program was instituted by both producers and distributors the director shall name three representative producers from nominations made at the public hearing by the petitioning producers and three representative distributors from nominations made at the public hearing by petitioning distributors.

(d) Distributors who are also producers shall be eligible to nomination for service on, and may be named by the director to serve on the committee to administer any program for which they will be required to pay assessments, and at least one of the persons named by the director to serve on any committee to administer any program for which distributors who are also producers will be required to pay assessments shall be a distributor who is also a producer.

Approval of director

4320. All programs shall be administered by the persons named in the order of the director making the program effective, and shall be administered subject to the approval of the director. All amounts required to be paid to the director under this article by producers or distributors shall be paid to such director on or before the fifteenth day of the month following the month during which such fluid milk was received by distributors and all distributors receiving milk from producers in any area where the provisions of this article are in effect whereby the director is empowered to require payments from producers shall deduct and pay to the director such payments provided for under this article from the payments due for such distributors to such producers for fluid milk.

Termination of program

4321. Upon the termination of any program, if there are any obligations arising thereunder, the final accrual or ascertainment of which requires further acts by any producer or distributor or by the persons appointed to administer the program or by the director, the power or duty to perform such further acts shall continue, notwithstanding such termination.

Article 9. Special Provisions for Frozen Milk or Cream

Purchase for cold storage

4330. Each distributor who purchases from producers fluid milk and/or fluid milk for fluid cream for the purpose of freezing

and holding in cold storage the market cream or concentrated market cream derived therefrom, as authorized in Section 460.5 of this code, shall pay to producers not less than the minimum price for Class 2 milk as provided in the stabilization and marketing plan in the area in which such purchases are made, and shall keep a record of all such lots of fluid milk and/or fluid milk for fluid cream received from each producer. Should such market cream or concentrated market cream be subsequently sold in Class 1 and the Class 1 price established in the stabilization and marketing plan applicable to the area where such market cream or concentrated market cream is sold exceed the price paid for the fluid milk and/or fluid milk for fluid cream established in the stabilization and marketing plan, the distributor shall pay to the producer the difference between the Class 2 and the Class 1 price, less the cost of storage of such market cream or concentrated market cream.

Article 10. Minimum Wholesale and Retail Prices

Minimum prices

4350. Pursuant to the declaration and statements of facts, policy and purposes set forth in this chapter, the director is hereby vested with the additional administrative duty and authority to prescribe and enforce minimum wholesale prices and minimum retail prices as hereinafter set forth.

Function of director

4351. The director shall in all marketing areas wherein a stabilization and marketing plan for fluid milk or fluid cream is in effect under the provisions of this chapter, designate and prescribe or provide methods for designating and prescribing minimum wholesale and minimum retail prices for fluid milk, including pasteurized concentrated milk, or fluid cream.

At the time any stabilization and marketing plan is hereafter established under the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, such minimum wholesale prices and such minimum retail prices; provided, however, that all prices established under the terms of this article shall be such prices as are determined by the director pursuant to the provisions of this article.

Minimum wholesale prices

4352. Minimum wholesale prices, as used herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores including the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores, restaurants, confectioneries and other places for consumption on the premises but excluding, however, the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores owned or operated by such distributor. Minimum wholesale prices, as used herein, includes prices at which fluid milk or fluid cream, or both, shall be sold by distributors to other distributors, other than in bulk, which prices may vary from the minimum prices established for sales by distributors to other wholesale customers; provided, however, the director shall not be required to establish such minimum wholesale prices in those

marketing areas wherein he finds, after public hearing held pursuant to this article, that conditions of transportation, production, and distribution are such that the establishment thereof will cause disparity in prices to exist between two or more marketing areas.

Minimum retail prices

4353. Minimum retail prices herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors and retail stores to consumers.

Investigation and hearing

4354. In determining minimum wholesale prices and minimum retail prices in any marketing area, the director shall first make an investigation in such marketing area to establish such facts as shall be necessary to permit him to carry out the intent of this article within the standards herein prescribed. In making such investigation, the director may examine the books and records of distributors and retail stores in such marketing area and shall hold one or more public hearings, take testimony and may subpena witnesses All testimony received at such hearings shall be under oath. Notice of any hearing held by the director, pursuant to this article, shall be given by the director to every distributor and retail store in such marketing area whose name appears upon the records of the Department of Agriculture or who files a request for the same with the department, by mail or by publication for the time and in the manner prescribed in Section 4273. A record of any and all hearings held by the director, pursuant to this article, shall be made and filed in the office of the director and shall, at all times, be available to inspection by any interested person.

Economic factors considered

4355. In determining minimum wholesale and minimum retail prices for any marketing area, the director shall take into consideration the following economic factors operative in such marketing area in addition to other matters required by this chapter to be taken into consideration by him:

(a) The quantities of fluid milk or fluid cream, or both, distributed in such marketing area.

(b) The quantities of fluid milk or fluid cream, or both, normally required by consumers in such marketing area.

(c) The cost of fluid milk or fluid cream, or both, in such marketing area to distributors and retail stores, which in all cases shall be, respectively, the prices paid by distributors to producers and the minimum wholesale prices, as established pursuant to this chapter.

(d) The reasonable cost of handling fluid milk or fluid cream, or both, incurred by distributors and retail stores, respectively, including all costs of hauling, processing, selling and delivering by the several methods used in such marketing area in accomplishing such hauling, processing, selling and delivery, as such costs are determined by impartial audits of the books and records, or surveys, or both, of all, or such portion of the distributors and retail stores, respectively, of each type or class in such marketing area as are reasonably determined by the director to be sufficiently representative to indicate the costs of all

distributors and retail stores, respectively, in such marketing area.

Cost of handling and distributing

4356. In determining the cost of handling and distributing fluid milk or fluid cream, or both, by retail stores handling commodities in addition to fluid milk or fluid cream, or both, the director shall determine the cost of doing business for each such representative retail store and for such purpose shall consider all costs and expenses of doing business including depreciation on inventory and equipment. In the absence of satisfactory evidence to the contrary, the cost of handling such fluid milk or fluid cream, or both, shall be presumed to be the same percentage as the cost of doing business of such retail store in conducting its entire business.

Consumption on the premises

4357. The director shall take into consideration the reasonable cost of handling fluid milk or fluid cream, or both, incurred by distributors in hauling, processing, selling and delivering to restaurants, confectioneries or other places for consumption on the premises wherein it is required by law that service to customers be made from the original container. In fixing the minimum wholesale price to be paid distributors by such persons, the director shall take into consideration such legal requirements and other factors and distribution costs peculiarly affecting service to such persons, and if the director reasonably determines that such factors and costs require that the minimum wholesale prices to be paid distributors by such persons vary from the minimum prices established for other wholesale customers, the prices established to be paid by such persons may vary accordingly.

Capacity for processing and distributing

4358. The director shall take into consideration the amount of the available capacity for processing and distributing fluid milk, or fluid cream, or both, of all distributors in such marketing area and the estimated extent to which such available capacity is being used by such distributors.

Purchasing power

4359. The director shall take into consideration the purchasing power of consumers in such marketing area.

Prices effective, when

4360. Following such hearings, investigation and examinations authorized above, the director shall establish minimum wholesale and minimum retail prices for such marketing area, and shall declare such prices effective in the same manner as that prescribed in this chapter for declaring producer prices effective; provided, that the director finds, in writing, with respect to such prices:

(a) That such prices are not more than reasonably sufficient to cover all necessary costs, according to the method or type of distribution, including a reasonable return upon necessary capital invested, of reasonably efficient distributors and retail stores engaged in the distribution of fluid milk, fluid cream, or both, in such marketing area as such necessary costs of reasonably efficient distributors and retail stores are shown to the director by the facts available to the director from the investigations, surveys, audits, and hearings required in this section.

(b) That such prices will tend to maintain in the business of distributing fluid milk and fluid cream, or both, such number of reasonably efficient retail stores and distributors of fluid milk and fluid cream, or both, in such marketing area as the director finds is necessary to insure to consumers in such marketing area sufficient distribution facilities of the several types or methods commonly used by consumers.

(c) That such prices will protect the interests of consumers of fluid milk, fluid cream, or both, in such marketing area by insuring to them adequate and efficient distribution facilities of the several types or methods commonly used by them without requiring such consumers to pay more for their supplies of such fluid milk, fluid cream, or both, than is necessary to maintain such adequate and efficient distribution facilities in such marketing area.

Sale at less than minimum

4361. No distributor shall sell to any retail store, restaurant, confectionery or other place for consumption on the premises, or to any consumer, and no retail store, restaurant, confectionery or other place for consumption on the premises, shall purchase from any distributor or sell to any consumer, any fluid milk or fluid cream, or either of them, at less than the prices as established by the director under the provisions of this article, and the use or attempted use of any method, device or transaction whereby any distributor sells or offers or agrees to sell to any retail store, restaurant, confectionery or other place for consumption on the premises, or consumer or any retail store, restaurant, confectionery or other place for consumption on the premises, buys or offers or agrees to buy from any distributor, or sells or offers or agrees to sell to any consumer fluid milk or fluid cream, or either, at a price less than that established by the director under the provisions of this article, whether by discount, rebate, free service, advertising allowance, lease of refrigeration or other equipment, or gift, or otherwise and whether any such discount, rebate, free service, advertising allowance, lease of refrigeration or other equipment, or gift applies directly to fluid milk or fluid cream or is allowed upon or in connection with the sale or handling of any other commodity or product, is hereby prohibited.

Schedule of prices

4362. Every distributor in any marketing area wherein an order establishing minimum wholesale and minimum retail prices is in effect shall file with the director schedules and any amendments thereto setting forth the prices at which each such distributor is selling or offering or agreeing to sell fluid milk, fluid cream and dairy products, excluding butter, cheese other than cottage cheese, canned milk, powdered milk, casein and ice cream, in such marketing area. Such filings shall be made in such office of the director as he shall designate. Such prices shall not become effective until the fifth day after filing. Evidence of any sale of, or offer or agreement to sell such fluid milk, fluid cream or dairy products by a distributor, made as part of, or in connection with the sale of, or offer or agreement to sell fluid milk and fluid cream, or both, in a marketing area where

prices for fluid milk or fluid cream, or both have been established by the director, at less than the prices theretofore filed with the director by such distributor pursuant to the provisions of this section, shall constitute prima facie proof of a violation of this section. Offers and agreements to sell, as used herein, shall include offers and agreements which are conditional, or which shall become effective, upon the filing thereafter of amended prices by the distributor making such offer. Upon receipt of such amendments the director shall forthwith date, file, and index the same in such manner that the information therein contained shall at all times be kept current and be readily available to any interested party desiring to inspect the same. Any other distributor in the marketing area may meet any such prices so filed; provided, that such distributor shall file with the director a schedule of prices not exceeding the prices so met by him within 24 hours after meeting the same.

Local control boards Qualifications, terms, meetings, etc

4363. The director may appoint local control boards for the marketing areas established pursuant to this chapter to assist and advise him in matters pertaining to the marketing, distribution and sale of fluid milk or fluid cream or both. The board shall consist of nine members, who shall be residents of or engaged in business within the marketing area for which they are appointed by the director, four of whom shall be persons whose major interest is the distribution, marketing or sale of fluid milk or fluid cream or both, one producer-distributor, two retail storekeepers, one person active in the restaurant business or a person representing restaurants and one person, representative of the consuming public, who has no connection with the milk or cream business. In marketing areas where organized labor is the collective bargaining agent of milk plant employees the director may, upon recommendation of a majority of the board members, add a representative of organized labor to the local distributor board. The terms of office of each member shall be two years, unless the plan is terminated before said term expires. Said local board may meet in regular session each month, and each member shall be allowed ten dollars ($10) per diem and mileage at the rate of five cents ($0.05) per mile for attending such regular meetings. The board, or any member thereof, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Said board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. The board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of fees and licenses paid to the director under the plan upon verified claims presented by the board to the director. The board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

Article 11. Distributors' Licenses, Fees and Bonds

License

4375. No distributor shall deal in fluid milk or fluid cream without first having obtained a license from the director. The special licenses provided in this section are in addition to any and all licenses required by any section of Division 4, Agricultural Code, or any law or ordinance of any county or municipality of this State. Applications for the licenses herein provided shall be made on forms prescribed by the director, shall be accompanied by an application fee of three dollars ($3), and shall state the name and address of the applicant and such details as to the nature of the applicant's business as the director may require. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application. Licenses shall be issued for a period of twelve (12) months from the first day of each year or for the remainder of the calendar year from the date of issuance. Application for renewal of a license for the following year by a licensee, together with the application fee of three dollars ($3), shall be made prior to the expiration date of the license held, and if not so made the applicant shall pay an additional sum equal to 100 percent of the application fee before such license shall be issued.

Surety bond

4376. Every distributor before purchasing any fluid milk or fluid cream from a producer must execute and deliver to the director a surety bond in the minimum sum of one thousand dollars ($1,000), executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be upon a form approved by the director, and shall be conditioned upon the payment in the manner required by this chapter, of all amounts due to producers for fluid milk and fluid cream purchased by such licensee or applicant during the license year. Said bond shall be to the State in favor of every producer of fluid milk and fluid cream. In case of failure by a distributor to pay any producer or producers for fluid milk or fluid cream in the manner required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such distributor, together with the amounts due and owing to them and each of them by such distributor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Thereupon the director shall bring an action on the bond on behalf of said producer-creditors. Upon any action being commenced upon said bond, the director may require the filing of a new bond and immediately upon a recovery in any action upon such bond, such distributor shall file a new bond, and upon failure to file same within ten (10) days in either case, such failure shall constitute grounds for the revocation or suspension of the license of such distributor. In the event that recovery upon the bond is not sufficient to pay all of the claims as finally determined and adjudged by the court, any such amount recovered shall be divided pro rata among said producer-creditors.

4377. The minimum bond of one thousand dollars ($1,000) shall be required of distributors purchasing an average daily quantity of fluid milk of less than 100 gallons; distributors purchasing an average daily quantity of 100 gallons and less than 200 gallons during any calendar month during a license year must post a bond in the amount of two thousand dollars ($2,000); distributors purchasing an average daily quantity of 200 gallons and less than 300 gallons during any calendar month during a license year must post a bond in the amount of three thousand dollars ($3,000); distributors purchasing an average daily quantity of 300 gallons or more during any calendar month during a license year shall post a bond in the sum of five thousand dollars ($5,000). Minimum bond amounts

4378. The same bond requirements shall apply to purchases of fluid cream, except that for the purposes of computation of the required bond, 10 gallons of fluid cream shall be deemed the equivalent of 100 gallons of fluid milk. Purchases of fluid cream

4379. In the event that any distributor so increases his purchases of fluid milk or fluid cream during the license year that said purchases exceed the amount for which said distributor is bonded, said distributor shall forthwith post such additional bond or bonds as may be required to comply with the provisions of this article. Increases in purchases

4380. The licenses and bonds provided for in this article shall be required for each distributor, and for the purposes of this article each subsidiary milk plant or branch milk plant whether under one ownership or not shall be considered as an individual distributor. Licenses

4381. For the purposes of this article, a milk plant shall be any place, structure or building where a distributor receives fluid milk or fluid cream and weighs or tests or standardizes or pasteurizes or homogenizes or separates or bottles or packages such fluid milk or fluid cream, except that the provisions hereof shall not apply to a place or structure or building used for the purpose of receiving, weighing, or testing fluid milk or fluid cream which is to be diverted or delivered to the milk plant of the distributor receiving fluid milk or fluid cream which milk plant is licensed and bonded under the provisions of this article. Milk plant

4382. Failure of any distributor who purchases fluid milk or fluid cream from producers to execute and deliver the bond as herein provided and required shall constitute a violation of this chapter; failure of any such distributor to post such additional bond or bonds as may be required to comply with the provisions of this chapter shall likewise constitute a violation of this chapter. Violations

4383. Distributors who are subject to minimum wholesale and minimum retail prices for fluid milk as established by the director shall pay to the director on all milk fat contained in fluid milk purchased from producers, including their own production, if any, a fee in mills per pound of milk fat equal to that required to be deducted from the payments due producers of fluid milk under Section 4384. Such assessed fees received Fees

by the director shall be used in the administration and enforcement of this chapter.

Distributors who are subject to the provisions of any minimum wholesale and minimum retail prices for fluid cream as established by the director shall pay to the director on all milk fat contained in fluid cream purchased from producers, or fluid milk or fluid cream purchased from producers, including their own production, if any, a fee in mills per pound of milk fat equal to that required to be deducted from the payments due producers of fluid milk for fluid cream or fluid cream under Section 4384.

Assessments on producers

4384. Distributors who are subject to the provisions of any stabilization and marketing plan made effective by this chapter, shall deduct as an assessment from payments due producers for fluid milk, fluid cream or both, including each distributor's own production, the sum of two mills ($0.002) per pound milk fat on all milk fat contained in fluid milk, fluid cream or both, or in the case of distributors who do not purchase or receive fluid milk, in milk fat pounds, the sum of seven mills ($0.007) for each 10 gallons of fluid milk sold. Said assessment rates are maximum rates. The director may fix the rate of such assessments at a less amount, and may adjust the rate from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenues derived from such lower rates, in combination with such sums as are provided by Section 4383. The amount of the assessments so deducted shall be paid to the director on or before the fifteenth of the month following the month during which such fluid milk or fluid cream was received.

Purchase from producer-distributor

4385. No bond shall be required of any distributor who purchases fluid milk or fluid cream from a producer-distributor; provided, that the buyer at the time of obtaining possession or control of each delivery pays for the same in full in lawful money of the United States; and provided, that said fluid milk or fluid cream is purchased in package form ready for human consumption, and not in bulk form. Any distributor before purchasing fluid milk or fluid cream on the above terms shall notify the director of his intention to make such purchases, stating from whom, and the average daily quantity of such purchases. Such distributor shall also keep a record of such purchases, showing dates of purchases, amounts of purchases, and the name or names of seller or sellers, and shall make such other and further reports to the director as he may from time to time require.

Retail stores

4386. The provisions of this article with respect to licenses shall not apply to retail stores as said stores are defined in this chapter.

Article 13. Reports and Statistics

Distributor reports and records

4400. All such distributors shall make and file with the director at least once each month such reports as the director may require to enable him to enforce the provisions of this chapter.

Every distributor who purchases fluid milk or fluid cream from a producer shall make and keep for one year a correct record showing in detail the following with reference to the handling, sale, or storage of such fluid milk or fluid cream:

(a) The name and address of the producer.

(b) The date the fluid milk or fluid cream was received.

(c) The amount of fluid milk or fluid cream received.

(d) The official butterfat test of the fluid milk or fluid cream if purchased on a butterfat basis.

(e) The usage of the fluid milk or fluid cream.

(f) Evidence of payment for the fluid milk or fluid cream purchased.

(g) Such further records as the director may require.

Reports confidential

4401. Any record or report made to the director pursuant to the provisions of this article shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceedings or hearing before the director.

Report to Governor

4402 The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of the transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during such period.

Information relating to dairy industry

4403. In addition to the compilation of information pertaining to fluid milk and fluid cream from the reports required by this chapter, the director shall collect, assemble, compile, and distribute statistical data relative to fluid milk, fluid cream, other milk and milk products, and such other information as may relate to the dairy industry and the provisions of this chapter.

Article 14. Penalties

Penalties

4410. (a) The violation of any provision of this chapter, or of any provision of any stabilization and marketing plan or any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or of any of the unfair practices set forth in this chapter, is a misdemeanor, and is furthermore ground for revocation or suspension of license in the manner set forth in this chapter. The unfair practice provisions described in this chapter are hereby declared to apply to all distributors, whether or not a plan is in effect in the area in which a distributor is licensed or carries on business.

(b) Every distributor must pay for fluid milk or fluid cream delivered to him or it at the time and in the manner specified in the contract with the producer; failure to make such payment is hereby declared to be a violation of this chapter, and ground for refusal, suspension or revocation of license in the manner set forth in this chapter.

Civil liability

(c) Any person who violates any provision of this chapter or of a stabilization and marketing plan or any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream shall be liable civilly in the sum of

five hundred dollars ($500) for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

Article 15. Disciplinary Proceedings

Suspension, revocation, etc., of licenses

4415. The director may refuse to grant any license herein provided and may revoke or suspend any such license as the case may require when he is satisfied that any applicant or licensee has violated any provision of this chapter, or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

The decision may include an order refusing, revoking or suspending the license applied for or held by the respondent, or affixing such other conditional and probationary orders as may be proper for the enforcement of this chapter or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter.

After any decision including any conditional or probationary orders, should respondent fail, refuse or neglect to comply with any such orders, the director may suspend or revoke the license in accordance with the procedure provided in this section.

Previous violation by any applicant, or by any person connected with said applicant, of any provision of this chapter, or of any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream, formulated under the provisions of this chapter, shall be good and sufficient ground for denial, revocation or suspension of a license.

Shortening the time for hearing

4416. Whenever the director is satisfied, either by investigation or after hearing, that a distributor is unable to pay for fluid milk and/or fluid cream purchased from producers, and is further satisfied that to permit the distributor to continue to purchase and receive fluid milk and/or fluid cream from producers would be likely to cause serious and irreparable loss to producer-creditors and other producers, then the director within his discretion may thereupon and forthwith shorten the time for hearing that is provided for in Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and thereupon may issue an order to show cause why the license of said distributor should not be forthwith suspended or revoked; provided, however, that the time of notice of said hearing shall in no event be less than

five days. At such hearing the distributor proceeded against shall be ordered to show cause why his or its license should not be suspended or revoked or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors and producers from whom the distributor has been and is receiving fluid milk and/or fluid cream. Following such hearing, the decision of the director shall become effective at his discretion.

Said hearing, in the case of such emergency, may be called upon written notice, said notice to be served personally or by mail on the distributor involved and may be held at the nearest office of the director or at such place as may be most convenient in the discretion of the director for the attendance of all parties involved.

CHAPTER 325

An act to add Section 4322 to the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4322 is added to Article 8 of Chapter 17 of Division 6 of the Agricultural Code, to read:

Disposition of funds

4322. All moneys received by the director pursuant to this article shall be deposited in the Department of Agriculture Fund in the State Treasury allocated to each separate marketing area from which they are collected and disbursed only for the purposes specified subject to the approval of the director.

Any money received by the director in excess of the amount required for any program shall be returned at such time as the director may determine on a pro-rata basis to the persons from whom such funds were collected.

CHAPTER 326

An act to add Article 12 to Chapter 17 of Division 6 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Article 12 is added to Chapter 17 of Division 6 of the Agricultural Code, to read:

Article 12. Testing, Weighing and Sampling

Testing, weighing and sampling of fluid milk

4395. In addition to the enforcement of this chapter by the Bureau of Milk Control, the director is hereby charged with the duty of supervision of the milk fat testing and the weighing and sampling of fluid milk delivered to distributors, which supervision shall be conducted by the Bureau of Dairy Service, and from the funds provided by the provisions of this article he is authorized to allocate to said Bureau of Dairy Service such sum per annum, not exceeding thirty thousand dollars ($30,000), which shall be used exclusively by said Bureau of Dairy Service for the supervision and checking the correctness of the 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 this division.

CHAPTER 327

An act to amend Sections 461, 464, 464.5, and 4357 of the Agricultural Code, relating to the serving and sale of market milk and to the determination of minimum prices for market milk

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 461 of the Agricultural Code is amended to read:

Sale of market milk

461. (a) It is unlawful to sell or otherwise dispose of market milk, skim milk, buttermilk and cultured buttermilk to the retail trade, unless said products are contained in standard milk bottles or single service containers which have been mechanically filled and capped or sealed in a milk room properly designed and equipped as approved by the director. Homogenized market milk may also be sold and served from and by the use of a milk dispensing device which has been approved for such use by the director. Such milk dispensing devices shall be installed and located in a place and manner acceptable to the local health authority. All receptacles, except single service containers, used to contain said products, shall be properly washed and sterilized on the premises where filled, in a separate room designed and equipped for said washing and sterilizing. For the purpose of this section "single service containers" are those which are used only once and are not refilled, shall be made of sanitary material, in a sanitary manner and shall be kept in a sanitary condition free from contamination until actually filled with said products. Transferring of any of said products from one receptacle to another upon any highway, any street or sidewalk, or upon any vehicle or in any place except a milk room as specified above or except in a place where said products are served for consumption on the premises, is prohibited.

(b) The gift or sale or loan or furnishing in any manner of any milk dispensing device shall be subject to each of the provisions of Sections 4125 to 4142, inclusive, and Section 4280.

(c) Homogenized market milk served from a milk dispensing device which has been approved for such use by the director shall be dispensed directly from such dispensing device into the glass or other container from which the customer drinks the milk and shall be served in minimum quantities of 8 ounces in each such glass or container.

SEC. 2. Section 464 of the Agricultural Code is amended to read:

Market milk Serving

464. When served by any school, hospital, hotel, boarding-house, restaurant, soda fountain, lunch counter or other place where food or drink is served to the public, market milk shall be served in the individual service bottle or container which has been filled and capped or sealed in a milk room, properly designed and equipped as approved by the director, the cap or seal of which shall not be removed except in the presence of the consumer or patron. This section does not apply to market cream. This section does not prohibit the serving of homogenized market milk from a milk dispensing device which has been approved for such use by the director in accordance with Section 461.

SEC. 3. Section 464.5 of the Agricultural Code is amended to read:

Dispensing milk drinks

464.5. Market milk or the fluid derivative thereof used in the preparation of milk shakes or other mixed milk drinks shall be dispensed or poured from standard milk bottles or single service containers which have been filled and sealed or capped in a milk products plant. This section does not prohibit the use of homogenized market milk drawn from a milk dispensing device in the preparation of milk shakes or other mixed milk drinks.

SEC. 4. Section 4357 of the Agricultural Code is amended to read:

Minimum wholesale price Factors considered

4357. The director shall take into consideration the reasonable cost of handling fluid milk or fluid cream, or both, incurred by distributors in hauling, processing, selling and delivering to restaurants, confectioneries or other places for consumption on the premises wherein it is required by law that service to customers be made from the original container or from milk dispensing devices which have been approved for such use by the director in accordance with Section 461 In fixing the minimum wholesale price to be paid distributors by such persons, the director shall take into consideration such legal requirements and other factors and distribution costs peculiarly affecting service to such persons, and if the director reasonably determines that such factors and costs require that the minimum wholesale prices to be paid distributors by such persons vary from the minimum prices established for other wholesale customers, the prices established to be paid by such persons may vary accordingly. The prices established to be paid by such persons for milk

sold in containers designed for use in milk dispensing devices approved for such use by the director under Section 461 may vary from any of the minimum wholesale prices referred to in this section if the director reasonably determines that the factors and costs involved in such sales require that these prices vary from any of the minimum wholesale prices referred to in this section.

Severability clause

SEC. 5 If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 328

An act to add Section 386.5 to the Code of Civil Procedure, relating to the dismissal of a mere stakeholder on affidavit and deposit.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 386.5 is added to the Code of Civil Procedure, to read:

Dismissal of stakeholder

386.5. Where the only relief sought against one of the defendants is the payment of a stated amount of money alleged to be wrongfully withheld, such defendant may, upon affidavit that he is a mere stakeholder with no interest in the amount or any portion thereof and that conflicting demands have been made upon him for the amount by parties to the action, upon notice to such parties, apply to the court for an order discharging him from liability and dismissing him from the action on his depositing with the clerk of the court the amount in dispute and the court may, in its discretion, make such order.

CHAPTER 329

An act to amend Section 1600 of the Probate Code, relating to requests for special notice of the disposition of property held by a guardian.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 1600 of the Probate Code is amended to read:

Request for notice of proceedings and filings

1600. At any time after the issuance of letters of guardianship, any relative of the ward, in person or by attorney, or the attorney for any department or bureau of the United States Government, or the attorney for any department, bureau or

agency of this State, or any of its political subdivisions, which makes or awards compensation, pension, insurance or other allowance for the benefit of the ward's estate, or any person who may be otherwise interested in the estate, may serve upon the guardian or upon the latter's attorney, and file with the clerk of the court where the proceedings are pending, with a written admission or proof of such service, a written request, stating that he desires special notice of the filing or commencing of any or all of the following:

(1) Petitions for the sale, lease or mortgage or confirmation of sale of any property of the ward.

(2) Accounts.

(3) Application for removal of the ward's property to a foreign jurisdiction.

(4) Petitions for partition of any property of the ward.

(5) Petitions for allowances of any nature payable from the ward's estate.

(6) Petitions for the investment of funds of the estate.

(7) Proceedings for the removal, suspension, or discharge of the guardian or final termination of the guardianship.

CHAPTER 330

An act to amend Section 1263 of the Civil Code, relating to contents of declaration of homestead.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1263 of the Civil Code is amended to read:

1263. The declaration of homestead must contain:

Contents of declaration of homestead

1. A statement showing that the person making it is the head of a family, and if the claimant is married, the name of the spouse; or, when the declaration is made by the wife, showing that her husband has not made such declaration and that she therefore makes the declaration for their joint benefit;

2. A statement that the person making it is residing on the premises, and claims them as a homestead;

3. A description of the premises;

4. An estimate of their actual cash value;

5. Such declaration of homestead may further contain a statement of the character of the property sought to be homesteaded, showing the improvement or improvements which have been affixed thereto, with sufficient detail to show that it is a proper subject of homestead, and that no former declaration has been made, or, if made, that it has been abandoned and if it contains such further statement and the declaration is supported by the affidavit of the declarant, annexed thereto, that the matters therein stated are true of his or her own knowledge,

such declaration, when properly recorded, shall be prima facie evidence of the facts therein stated, and conclusive evidence thereof in favor of a purchaser or encumbrancer in good faith and for a valuable consideration.

CHAPTER 331

An act to add Sections 3300.46 and 2600.6 to the Health and Safety Code, relating to the control of tuberculosis and communicable disease.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 3300.46 is added to the Health and Safety Code, to read:

Release

3300.46. If the place of confinement of a person confined under the provisions of Section 2600.5 is in a county other than the county in which he was convicted, upon release he shall be released in the custody of the sheriff of the county in which he was convicted, and the sheriff shall forthwith return him to the place where he was convicted. The sheriff shall prior to the return of the person notify the health officer having jurisdiction of the area to which he will be returned of the date he will reach said area.

SEC. 2. Section 2600.6 is added to the Health and Safety Code, to read:

Subsequent conviction

2600.6. Upon any subsequent conviction under the provisions of Section 2600.5, the court may order him confined for a period not exceeding one year for such subsequent conviction, or such other penalty as provided by said section.

CHAPTER 332

An act to amend Section 429.5 of the Fish and Game Code, relating to fishing by persons in the armed forces of the United States.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 429.5 of the Fish and Game Code is amended to read:

Members of the armed forces

429.5. Any member of the armed forces of the United States or any auxiliary branch thereof on active duty may take fish, in accordance with law, for purposes other than profit without a sporting fishing license.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1955 Regular Session of Legislature or until the termination of the existing national defense emergency as evidenced by cessation of compulsory military service in the armed forces of the United States by citizens of this State, and as found and declared by proclamation issued by the Governor, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Termination date

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CHAPTER 333

An act to amend Section 17026 of the Business and Professions Code, relating to definition of cost in the Unfair Practices Act.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.] In effect September 9, 1953

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

SECTION 1. Section 17026 of the Business and Professions Code is hereby amended to read:

17026. "Cost" as applied to production includes the cost of raw materials, labor and all overhead expenses of the producer. "Cost"

"Cost" as applied to distribution means the invoice or replacement cost, whichever is lower, of the article or product to the distributor and vendor, plus the cost of doing business by the distributor and vendor and in the absence of proof of cost of doing business a markup of 6 percent on such invoice or replacement cost shall be prima facie proof of such cost of doing business.

Discounts granted for cash payments shall not be used to reduce cost.

CHAPTER 334

An act to amend Section 17044 of the Business and Professions Code, relating to "loss leaders" in the Unfair Practices Act.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.] In effect September 9, 1953

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

SECTION 1. Section 17044 of the Business and Professions Code is hereby amended to read:

17044. It is unlawful for any person engaged in business within this State to sell or use any article or product as a "loss leader" as defined in Section 17030 of this chapter. Loss leader

CHAPTER 335

An act to repeal Chapter 388 of the Statutes of 1933, relating to horticultural development districts.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

Repeal

SECTION 1. Chapter 388, of the Statutes of 1933, is hereby repealed.

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 336

An act to add Section 563.5 to the Agricultural Code, relating to standards and definition for yogurt sherbet.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 563.5 is added to the Agricultural Code, to read:

Yogurt sherbet

563.5. Yogurt sherbet is a product meeting with all the requirements and standards of the Agricultural Code pertaining to sherbet as defined in Section 563 of the Agricultural Code, except that (1) it shall have an acidity of not less than six-tenths of 1 percent calculated as lactic acid; (2) bacteria standards specified for sherbet shall not apply; and (3) it shall have a yogurt content of not less than 40 percent.

CHAPTER 337

An act to add Section 639.5 to the Agricultural Code, relating to standards and labeling for eggnog.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 639.5 is added to the Agricultural Code, to read:

Eggnog

639.5. Eggnog is an unfrozen product made with milk, cream, evaporated or condensed milk, evaporated or condensed skim milk, dry milk solids, nonfat dry milk solids, or any com-

binations thereof, egg yolk or whole eggs, sweetening, harmless flavoring, with or without harmless coloring, and may contain edible stabilizer in an amount not to exceed six-tenths of 1 percent. It shall contain not less than one-half of 1 percent by weight of wholesome fresh egg yolk solids; provided, however, that the equivalent amount of egg yolk solids may be obtained from wholesome frozen egg yolks or from wholesome dried egg yolks or the equivalent amount in other approved form. It shall contain not less than 6 percent of milk fat and not more than 75,000 bacteria per gram. All ingredients except flavors to be used in the manufacture of eggnog shall be pasteurized. It shall be labeled with its name and with the name and address of the manufacturer or distributor.

CHAPTER 338

An act to amend Sections 796.1, 796.2, 828.83, and 829.1 of and to add Section 796.6 to the Agricultural Code, relating to fruit and vegetable standards and containers.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 796.1 of the Agricultural Code is amended to read:

796.1. It shall be unlawful to mix or blend any citrus fruits which fail to conform to the requirements of this chapter with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which has thus failed to conform to the requirements of this chapter.

Mixing citrus fruits

Any packed citrus fruit which has been in storage or after being shipped fails to meet the requirements of the standards for citrus fruits established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after packing, shall not be held for violation of the provisions of this chapter on account of such deterioration.

Oranges (except tangerines and mandarins), grapefruit, and lemons when packed in containers holding more than 25 pounds shall be regularly packed throughout in standard containers as provided and designated for each such citrus fruit in Section 828.83; provided, however, that packed citrus fruit imported into this State from another state need not be packed in said containers if they are packed in containers conforming to the applicable laws or regulations of the state of origin or of the United States.

Oranges, grapefruit, and lemons

All containers of packed citrus fruits when packed in containers holding more than 25 pounds and when loose or packed in standard container number 58 shall bear upon them in plain sight and in plainly legible letters on one outside end: the name of the packer thereof together with a sufficiently explicit address

Markings on containers

to permit ready location of such packer; in the case of oranges (except tangerines and mandarins), grapefruit, and lemons the number and average diameter of the citrus fruit in the container; in the case of oranges and grapefruit the name of the variety, if known, and when not known, the words "unknown variety" or "seedlings"; provided, however, that in the case of citrus fruit imported from another state the average diameter of the fruit in the container need not be shown.

Standard container number 58, containing loose or packed oranges, grapefruit or lemons in addition to being marked with the actual count and average diameter of the fruit in the container as required by this section, may be marked with the corresponding size in terms of the count that such fruits would pack in full size standard containers as listed in Section 796.3 for oranges, in Section 796.4 for grapefruit and in Section 796.5 for lemons. The number indicating such "count size," if marked on the container, shall be accompanied by the term "size" so as to clearly refer to size, and both shall be in figures and letters no larger in size than the actual count marked on the container. If the "count size" is marked on the container, it must be placed near the statement of contents and the actual count figure must be accompanied by the term "count" so as to clearly refer to the count.

SEC. 2. Section 796.2 of said code is amended to read:

Export packing

796.2. All oranges (except tangerines and mandarins), grapefruit or lemons intended for shipment out of the State of California, before being so shipped, shall be regularly packed throughout in lidded standard containers, as specified in this code for such fruit, and shall be uniform in size.

The provisions of this section shall not apply to (1) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons for charitable purposes, unemployment relief or for use by the United States Government or its agencies for relief distribution, or (2) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons in closed containers intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 25 pounds.

Oranges, grapefruit and lemons intended for shipment out of the State of California in standard container number 58 need not be regularly packed throughout the container and such container need not be lidded.

SEC. 3. Section 796 6 is added to said code, to read:

Number and size of oranges, grapefruit, and lemons

796.6. The count of oranges, grapefruit and lemons when packed or placed loose without packing in standard container number 58 and the number marked on the container as required in Section 796.1 shall be one of the numbers tabulated in Column A below for oranges or for grapefruit or for lemons and the average diameter marked on the containers shall be the corresponding measurement tabulated in Column B, below:

The average diameter in inches of the oranges, grapefruit or lemons in the container, as determined by inspection of a

representative sample, shall be not less than the corresponding measurement tabulated in Column B for each such fruit.

Oranges		Grapefruit		Lemons	
Column A	Column B	Column A	Column B	Column A	Column B
Count	Av. Dia.	Count	Av. Dia.	Count	Av. Dia.
24	4 370	9	6.200	63	2.925
32	3.970	12	5.640	75	2.775
40	3 680	14	5 350	90	2.625
50	3.420	16	5.120	105	2.475
63	3.170	18	4.920	126	2.345
75	3.000	20	4 750	135	2.270
88	2.840	22	4 610	150	2.190
100	2.720	23	4.540	180	2.065
108	2 640	24	4 470	216	1.940
110	2.625	27	4 270	221	1.920
126	2.500	32	4 030	245	1.850
144	2.375	35	3.910	270	1.800
172	2.250	40	3.740	294	1.750
196	2.150	50	3.480	319	1.685
210	2.070	63	3.190	343	1.640
221	2.050	75	3 000	---	---
245	1.980	88	2.840	---	---
270	1.920	---	---	---	---

Oranges, grapefruit and lemons when placed loose without packing in standard container number 58 must be placed in the container so compactly that they will not readily move in the container; the container must be level full of fruit; and the count of fruit in each container must be equal to the count marked with a permissible count in excess not exceeding 12 percent.

SEC. 4. Section 828.83 of said code is amended to read:

828.83.

Citrus fruit containers

53 Standard two-compartment orange or grapefruit box, each compartment to be	$11\frac{1}{2}$	$11\frac{1}{2}$	12
54 Standard one-compartment orange or grapefruit box	$11\frac{1}{2}$	$11\frac{1}{2}$	24
55 Standard two-compartment half orange or grapefruit box, each compartment to be	$5\frac{3}{4}$	$11\frac{1}{2}$	12
56 Standard two-compartment lemon box, each compartment to be	$9\frac{7}{8}$	13	$12\frac{1}{2}$
57 Standard two-compartment half lemon box, each compartment to be	$4\frac{15}{16}$	13	$12\frac{1}{2}$
58 Standard one-half orange, grapefruit or lemon box	$9\frac{3}{4}$ to $10\frac{1}{4}$	11	$16\frac{3}{4}$

To allow for reasonable variations in the size of packing containers by reason of manufacturing variations, atmospheric conditions and other factors affecting the size of such containers, the following tolerances from the foregoing dimensions are hereby permitted:

The total inside length of the two compartments of the standard two-compartment orange or grapefruit box, or the standard two-compartment half orange or grapefruit box, shall not be less than 23⅞ inches nor more than 24⅛ inches;

The total inside length of the standard one-compartment orange or grapefruit box shall not be less than 23⅞ inches nor more than 24⅛ inches;

The total inside length of the two compartments of the standard two-compartment lemon box, or the standard two-compartment half lemon box, shall not be less than 24⅞ inches nor more than 25⅛ inches;

If made of wood, tolerance of one-eighth of an inch is hereby permitted in width or depth of any of said standard containers "across the grain" of the wood used in the manufacture thereof, over or under the sizes above specified, and a tolerance of one thirty-second of an inch over or under such sizes in width or depth "with the grain."

The lids for the above standard orange or grapefruit boxes numbers 53, 54 and 55 shall not exceed 26⅛ inches in length, and for the above standard lemon boxes numbers 56 and 57 shall not exceed 27⅛ inches in length.

Standard container number 58 shall be considered standard with interior parts such as liners, cleats, posts, or other similar parts, extending from the corners and partially covering the sides or ends or both, providing (1) the net cubical contents are not less than 1,796 cubic inches with interior parts in place, and (2) the actual dimensions conform to the specifications in this section when the inside width is measured from the center of the side panels and the inside length from the center of the end panels, both without allowance for any bulge and also with interior parts in place.

SEC. 5. Section 829.1 of said code is amended to read:

829.1. 1. Fresh apricots, numbers 1, 5, 6, 7, 8, 9, 22A, 22B, 24 or 27.

2. Strawberries, number 3a.

3. Red and blackcap raspberries, blackberries, dewberries and loganberries, numbers 3a or 3b.

4. Cherries, numbers 4, 10, 11, 12, 12A, 22C, 25 or 27.

5. Oranges and grapefruit, numbers 53, 54, 55 and 58; lemons, numbers 56, 57 and 58, as provided in Section 828.83.

CHAPTER 339

An act to amend Section 829.5 of the Agricultural Code, relating to experimental containers for fruits, nuts, or vegetables

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 829.5 of the Agricultural Code is amended to read:

829.5. Nothing in this chapter prohibits the preparation, packing, shipment or sale under permit of the director of fruits, nuts or vegetables in any experimental type of containers not conforming to the standards prescribed in this chapter, if each such container is conspicuously marked in letters not less than one-half inch in height, "Experimental Container." Experimental containers

Application for such permit shall be made to the director at least 15 days before shipment, stating: (1) The name of the product, (2) the quantity intended to be shipped, (3) the description and inside dimensions of the container, expressed in inches, and (4) the quantity of such product, if any, shipped by the applicant in all types of containers during the preceding year, or if no shipments of such product were made by the applicant during the preceding year, then an estimate of the total quantity which such applicant will ship in all types of containers during the current year. Application

If the director finds that the container is not deceptive in shape, design, or capacity, he may issue to the applicant a permit for the shipment of a specified quantity of the product in such containers within a specified period, not exceeding one year; subject to renewal for an additional year upon a proper showing to the director, without formal hearing, that the experiment has not been completed. If the applicant has shipped products of the kind specified in the application during the preceding year, no permit shall be issued for the shipment in experimental containers of more than 5 percent of the quantity of any such product shipped in all types of containers by such person in the preceding calendar year. Permit

Any type of container for which a permit has been issued, which is uniformly marked as provided in this section, and which is not used for shipping fruits, nuts, and vegetables in excess of the quantities specified in the permit, shall be deemed an experimental type of container within the meaning of this section.

CHAPTER 340

An act to amend Sections 18051 and 18053 of the Education Code, relating to school district contracts.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.] In effect September 9, 1953

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

SECTION 1. Section 18051 of the Education Code is amended to read:

18051. The governing board of any school district shall let any contracts involving an expenditure of more than one thousand dollars ($1,000) for work to be done or for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the Letting of contracts

board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

SEC. 2. Section 18053 of said code is amended to read:

Estimates of cost

18053. In school districts, having an average daily attendance of 1,000 or more, as shown by the annual report of the county superintendent of schools for the preceding school year, the board may secure from responsible bidders at least three estimates of the cost of the work to be done or materials or supplies to be furnished. The estimates shall be secured from bona fide dealers or craftsmen engaged in the business or in handling the goods specified.

Estimates shall be submitted in writing and shall be filed with the clerk or secretary of the board.

If any of the estimates of cost is less than two thousand dollars ($2,000), the board may let a contract for the work, material, or supplies, to the lowest responsible bidder without publishing the notice calling for bids.

CHAPTER 341

An act to amend Section 6915 of the Health and Safety Code, relating to sanitary districts.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 6915 of the Health and Safety Code is amended to read:

Tax exemption

6915. (a) If said territory shall be subject to any voted bonds or special assessments or assessment bonds issued or levied by the district or any annexed area thereof, for the cost of acquiring or constructing any sanitary sewerage facilities within or for said territory, said legislative bodies may, in said resolutions or agreement, provide that said territory shall be and remain subject to taxes and assessments therefor. In such event said territory shall not become subject to taxes by said city for the cost of similar facilities acquired or constructed by the city for other than said territory.

Indebtedness assumed by territory

(b) If any territory so indebted shall have assumed any indebtedness of the city for the cost of acquiring or constructing facility for other than said territory, then said legislative bodies shall provide, in said resolutions or agreement, that (1) said territory shall no longer be taxed by said city for said bonds of the city, or (2) that said territory shall no longer be taxed by said district for bonds of said district, or (3) said city shall agree to semiannually pay into the bond interest and redemption fund of said district an amount which would be levied and collected from said territory, in lieu of such tax or assessment within said territory.

Agreement to eliminate double taxation inequality

(c) If said territory must continue to be serviced by facilities of the city, for the use or cost of which the district is

required to pay the city any annual or other sum based on sewage flow or population growth of said district, the agreement therefor shall be so modified as to eliminate any inequality which may result from double taxation. This may be by either agreement on the boundaries of the area to be assessed or taxed therefor or by refund by the city to the district or both.

Notice of agreement for withdrawal

(d) When the city and the district have finally agreed as to the conditions upon which said territory shall be withdrawn from said district, three executed copies of said resolutions or agreement shall be filed with the county clerk, who shall give notice of a hearing thereon not less than 10 nor more than 30 days prior to said hearing, by publishing a notice thereof twice in a newspaper published and circulated in said territory and most likely to give notice therein. Said notice shall describe the territory, and briefly describe the conditions agreed upon and give notice of the time and place of said hearing.

Resolution ordering exclusion

(e) After the board of supervisors has fully heard and considered said matter and all persons interested therein, and, if it shall find that said agreement is fair and equitable, it shall adopt a resolution ordering said exclusion The conditions agreed upon shall be contained therein. If it shall find that said terms are not fair and equitable, it shall refer said matter to said legislative bodies who shall redetermine said matter as in the first instance and their determination shall again be heard by the board of supervisors as in the first instance.

Terms and conditions for withdrawal

(f) Either the city or the district may request the other to agree upon the terms and conditions upon which said territory shall be withdrawn and excluded from said district. If the city and the district are unable to agree on such terms and conditions within three months thereafter, the city or district, whichever has requested such agreement, may bring an action in the superior court of the county in which said territory proposed to be excluded is situated against the other political corporation to have such terms and conditions determined In such action, the superior court shall determine and adjudicate the terms and conditions upon which said territory shall be withdrawn and excluded from said district, and upon the making of the final judgment in such action, said territory shall be ordered excluded from said sanitary district upon the terms and conditions of said judgment, and said order shall be final.

Certified copies of resolutions

(g) When said exclusions have been ordered, certified copies of said resolution, together with certified copies of the resolutions of the city and district, shall be filed by the county clerk in the records of said city and of said district, with the county assessor and county auditor and with the State Board of Equalization, and said territory shall be subject to taxation as therein provided from and after February 1st following the filing of same.

Maps and descriptions

(h) The maps and descriptions accompanying the notice of exclusion required to be filed under Sections 54900 to 54903, inclusive, of the Government Code shall clearly show the boundaries of the several taxing areas resulting from the agreement.

CHAPTER 342

An act to add Sections 332.5, 334.6, 336.10, 336.11, 338, 338.1, 364.9, and 369 to, to amend Sections 331.8, 336.4, 336.6, 336.9, 337, 337.1, 337.2, 337.3, 337.4, 344.1, 346.1, 346.2, 348, 348.6, 348.8, 349.2, 349.4, 349.7, 349.8, 349.9, 360, 360.2, and 368 of, the Agricultural Code, and to repeal Sections 344.2, 344.3, 344.4, 344.5, 344.6, 360.3, and Article 16 of Chapter 2 of Division 3 of said code, all relating to hide and brand inspection and slaughter of cattle.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

SECTION 1. Section 331.8 of the Agricultural Code is amended to read:

"Inspector"

331.8. "Inspector" means a hide and brand inspector, and includes the chief, assistant chief, supervising hide and brand inspectors, investigators, and persons employed on a collaborative basis under Section 34.5 to carry out the provisions of this chapter.

SEC. 1.5. Section 332.5 is added to said code, to read:

Documents accompanying shipments

332.5. Whenever by any provision of this chapter a certificate, bill of sale or other document is required to accompany any shipment of cattle, hides or carcasses, nothing herein shall be construed to make the carrier, driver or any person other than the shipper responsible for the form or accuracy of such document.

SEC. 2. Section 334.6 is added to said code, to read:

Applicable provisions

334.6. The provisions of Chapters 2, 3, 4, and 5 of Division 3 of this code, including the payment of fees, shall be applicable to all state and county institutions engaging in livestock operations.

SEC. 3. Section 336.4 of said code is amended to read:

Use of brand

336.4. Any person desiring to use a brand in this State may acquire the right to do so in accordance with this chapter. Application forms for this purpose shall be furnished by the bureau upon request.

SEC. 4. Section 336.6 of said code is amended to read:

Application Contents

336.6. The application shall contain:

(a) A facsimile of the brand sought to be recorded.

(b) A statement of the location on the animal where the brand is to be applied.

(c) The name, date of birth, and address of the applicant

SEC. 5. Section 336.9 of said code is amended to read:

Mark

336.9. No application for the recordation of a brand consisting only of a mark shall be accepted.

SEC. 6. Section 336.10 is added to said code, to read:

Location of brand

336.10. It is unlawful to apply a recorded brand in any location on the animal except that specified on the brand registration certificate.

SEC. 7. Section 336.11 is added to said code, to read:

336.11. No brand shall be recorded if it consists of any letters or characters applied in more than one branding location on the animal.

SEC. 8. Section 337 of said code is amended to read:

Objective of chapter

337. It is the ultimate object of this chapter to provide for state-wide recordation of brands with the entire State as one branding district. To conform to this objective, all applications for the recordation of a brand on and after the effective date of this chapter shall be accepted by the chief only when not in conflict with any other recorded brand in this State. On and after January 1, 1959, the right to use any brand which conflicts with any brand having a prior cattle brand registration certificate number under the provisions of this chapter shall be forfeited, and all recordations thereafter shall be on a state-wide basis.

SEC. 9. Section 337.1 of said code is amended to read:

No brand on jaw, face, etc.

337.1. No application for the recordation of a brand shall be accepted if the brand is to be applied to either jaw, the face, the nose, either loin or the breeching of an animal.

SEC. 10. Section 337.2 of said code is amended to read:

337.2. No application for the recordation of a brand accompanied by a mark shall be accepted if the use of the mark involves cutting off more than one-half of an ear or cutting an ear on both sides to a point.

SEC. 11. Section 337.3 of said code is amended to read:

Fee

337.3. No application for the recordation of a brand shall be accepted except upon the payment of the fee for the recordation of the brand.

SEC. 12. Section 337.4 of said code is amended to read:

Reason for denial of application

337.4. If the application does not conform to the requirements of, or cannot be accepted pursuant to, this article, a statement of the reason why it cannot be accepted shall be transmitted to the applicant.

SEC. 13. Section 338 is added to said code, to read:

Minors

338. No brand shall be recorded for any person under 21 years of age unless countersigned by parent or guardian.

SEC. 14. Section 338.1 is added to said code, to read:

Ownership

338.1. It shall be unlawful for any person to use a brand on cattle indicating ownership unless the cattle are owned by him or he has been authorized by the owner of the cattle and the brand is recorded under the owner's name and is on file with the Bureau of Livestock Identification.

SEC. 15. Section 344.1 of said code is amended to read:

Vent brand

344.1. A vent brand may only be applied on the right loin of an animal. Only the owner's recorded brand may be used as a vent. No recordings shall be issued allowing the use of any other brand as a vent.

SEC. 16. Section 346.1 of said code is amended to read:

Location of brand

346.1. A cattle record brand may be placed upon the left loin in front of the hip and behind the ribs or on the right jaw. A cattle record brand for dairy cattle of the Holstein, Jersey, Guernsey, Ayrshire, Brown Swiss, Dutch Belted and Milking

Shorthorn breeds may be placed upon the right hip in lieu of on the loin. Such brand shall be used for purposes of identification only and not as evidence of ownership.

SEC. 17. Section 346.2 of said code is amended to read:

Composition of brand

346.2. When placed upon the left loin or right jaw any such brand shall consist of consecutive numerals, letters or combination of numerals or letters, but when placed upon the right hip any such brand shall consist of at least three consecutive numerals constituting a number greater than 200.

SEC. 18. Section 348 of said code is amended to read:

Inspection of cattle

348. Except as otherwise provided in this chapter, cattle shall be inspected in each of the following cases:

(a) Prior to transportation:

(1) Out of an area having full point of origin inspection.

(2) Out of the State of California.

(3) Across an established cattle movement zone line or boundary.

(4) By or to a new purchaser.

(b) Prior to slaughter.

(c) Prior to release or sale from a public stockyard, public saleyard, or public or private cattle sales market.

(d) Prior to release from a posted stockyard or posted saleyard.

Penalty

Any person owning or having custody of cattle who transports such cattle or who slaughters, releases or sells such cattle without the inspection required by this section is guilty of a misdemeanor; provided, however, that any common carrier which transports such cattle shall not be deemed to have custody of the cattle for the purposes of this section.

SEC. 19. Section 348.6 of said code is amended to read:

Inspection en route, etc

348.6. No inspection is required prior to transportation to a point and from an area designated by the chief pursuant to this section as one in which inspection may be made en route or at destination. Whenever the chief determines that in any particular area in which there is operating a licensed slaughterhouse, public sales yard or stockyard, or other cattle sales market, the volume of shipments or other factors render it impossible or impractical to have inspection prior to shipment he may, by order, authorize inspection en route or at point of destination. The order shall specify the point to which and the area from which such shipments may be made. All cattle so shipped shall be accompanied by a certificate of ownership or certificate of consignment, the original of which shall be surrendered to the inspector prior to the inspection of the cattle. The certificate of consignment or certificate of ownership shall show the date, loading point, destination of shipment, number and description of cattle including brands if any, and motor vehicle license number of the vehicle transporting the cattle. A copy of the certificate shall be kept on file in the office of the seller for a period of one year after the sale. The certificate of consignment may be attached to and become a part of the brand certificate issued by

the inspector, in lieu of the information required by Section 349.4.

SEC. 20. Section 348.8 of said code is amended to read:

348.8. Inspection of cattle consists of the examination of the same for all brands and marks, and in the case of unbranded cattle, for natural marks, sex and breed and the issuance of a certificate of inspection. Nature of inspection

SEC. 21. Section 349.2 of said code is amended to read:

349.2. If, upon inspection, there is found any animal or hide which bears a brand or brands other than the recorded brand of the person presenting the same for inspection, such person shall show upon demand of the inspector a bill of sale, certificate of inspection, or other proof of ownership of such animal or hide. Proof of ownership

SEC. 22. Section 349.4 of said code is amended to read:

349.4. The certificate shall be signed by the inspector and shall show: Contents of certificate

(a) The place and date of inspection and the number of animals inspected.

(b) The sex, the brand, if any, on each branded animal recorded in the name of the owner of the animal, or the marks and brands under which the animal was offered for inspection and such additional marks and brands as may be required by the chief, and, in the case of unbranded animals, the natural marks and breed.

(c) When the animals are to be transported, the names of the shipper and of the consignee and the origin and destination of the shipment.

(d) The number of beef cattle and the number of dairy cattle insofar as these matters may be determined.

SEC. 23. Section 349.7 of said code is amended to read:

349.7. Any person receiving cattle from any cattle sale market, either public or private, including public stockyards other than posted stockyards where sales of cattle are held, may, upon request and upon payment of a fee of five cents ($0.05) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of brands made Brand inspection at market

SEC. 24. Section 349.8 of said code is amended to read:

349.8. Cattle shipped for slaughter which have been inspected prior to shipment shall be given a brand inspection at destination and no charge made for such inspection when a certificate of inspection is produced if the certificate was issued within fifteen (15) days prior to slaughter or if the cattle, owned by the slaughterer, are held in enclosures which are used exclusively by the slaughterer and located within one mile of the slaughterhouse and the cattle are driven, not transported, from said enclosure to said slaughterhouse. Cattle shipped for slaughter Inspection at destination

SEC. 25. Section 349.9 of said code is amended to read:

349.9. Unless the shipment is released pursuant to Section 350 or Section 350.2, no common carrier, or owner or driver of any conveyance shall receive for transportation or transport any cattle, or the hides or the carcasses thereof until the same have Transportation of cattle

been inspected, and said carrier, owner or driver, has been furnished with duplicate brand inspection certificates signed by an inspector, showing the brands, or brands and marks, the names of the shipper and consignee and the origin and destination of the shipment.

The duplicate brand inspection certificate hereinabove referred to shall accompany to destination any cattle being transported over a public thoroughfare.

SEC. 26. Section 360 of said code is amended to read:

Bill of sale, etc

360 Every licensed slaughterer of cattle shall have on file in his office prior to slaughter and shall keep for one year after slaughter, the original bill of sale of cattle purchased by him or a consignment slip on cattle consigned to him or the certificate of inspection of all cattle slaughtered by him.

SEC. 27. Section 360.2 of said code is amended to read:

Report

360.2. Every licensed slaughterer who does not have brand inspection prior to slaughter on each day on which he slaughters and whose hides are not inspected during the month, shall on or before the fifteenth day of each month mail to the bureau a written report showing in separate columns: the number of calves, cows, steers, stags, and bulls slaughtered during the preceding calendar month; the number slaughtered on each date; from whom the animals were purchased; the date of purchase; and brands on branded cattle and sex and breed of unbranded cattle.

SEC. 28. Section 364.9 is added to said code, to read:

Release from public stockyard, etc

364.9. Cattle shall not be released from a public stockyard, public saleyard, public cattle sales market or any other public consignment sale unless accompanied by a brand inspection certificate or by a bill of sale or certificate of sale issued and signed by a representative of the saleyard as agents for the consignor.

Contents of certificate or bill of sale covering released cattle

The bill of sale or certificate of sale covering the released cattle shall contain the following information on a form approved by the chief:

1. Date of sale.
2. Name and address of the buyer.
3. Description of each animal sold which shall include its brands and brand location, sex and breed of unbranded animals.
4. Origin and destination of the animals.

SEC. 29. Section 368 of said code is amended to read:

Bill of sale

368. No person shall buy, sell, or accept a bovine animal, the carcass of any bovine animal from which the hide has not been removed, or the hide thereof, unless the seller or donor gives, and the buyer or donee receives at the time of the delivery of the animal, carcass, or hide, a written bill of sale or written instrument from the owner or his agent giving the number, kind, breed and sex and if branded the brand and location thereof on each such animal, carcass, or hide. Such bill of sale or other instrument shall be signed by the seller or his agent, and must show the date of delivery, and the name and address of the

seller or his agent and the name and address of the buyer or donee.

SEC. 30. Section 369 is added to said code, to read:

369. It shall be unlawful for any person to alter, deface or change any invoice of sale or bill of sale or brand inspection certificate. Any invoice of sale, bill of sale or brand inspection certificate which has been altered, defaced or changed is void. Altering or defacing bill of sale, etc

SEC. 31. Sections 344.2, 344 3, 344.4, 344.5, 344.6, 360.3, and Article 16 (consisting of Sections 366, 366.1, 366 2, 366.3, 366.4, 366.5, and 366.6) of Chapter 2 of Division 3 of said code are hereby repealed. Repeals

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CHAPTER 343

An act to amend Sections 380.51, 380.55, 380 56, 380.58, 380.62, and 380.70 of, and to repeal Sections 380.52 and 380.57 of the Agricultural Code, relating to hide and brand inspection and slaughter of animals other than bovine animals.

[Approved by Governor April 22, 1953 Filed with Secretary of State April 22, 1953] In effect September 9, 1953

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

SECTION 1. Section 380.51 of the Agricultural Code is amended to read:

380 51. Any person desiring to use a brand on horses, mules, burros or sheep shall be governed by the same statutory provisions and procedures with reference to such animals as are made applicable to the branding of cattle in Articles 3 and 4 of Chapter 2 of this division, except Section 337.1, as though said provisions and procedures were set fully forth in this chapter. Brands for swine may also be recorded in accordance with these provisions, but such recording is not mandatory. Recording of brands

SEC. 2. Section 380.55 of said code is amended to read:

380.55. It shall be unlawful for a slaughterer of horses, mules or burros to slaughter any of such animals unless such horses, mules or burros have been inspected by the director prior to slaughter. The fee for such inspection shall be the same as shall be charged for the inspection of cattle in Chapter 2 of this division. Inspection of horses, mules or burros consist of the examination of the same for brands and, in the case of unbranded horses, mules or burros, for natural marks, and the issuance of a certificate showing said brands or natural marks. No certificate of inspection will be issued unless a bill of sale or other proof of ownership is exhibited at the time of inspection. Inspection and fees

SEC. 3. Section 380.56 of said code is amended to read:

380.56. Every licensed slaughterer of horses, mules or burros shall have on file in his office for a period of one year after slaughter the brand inspection certificate and the original bill of sale of such animals purchased and slaughtered by him. Original bill of sale

SEC. 4. Section 380.58 of said code is amended to read:

Revocation, suspension, etc. of license

380.58. The director may refuse to grant a license or renewal of a license and may revoke or suspend any license for a wilful violation of any of the provisions of this article, after notice to the interested party and a hearing. A license so refused or revoked shall not be reissued except upon the payment of a renewal fee of twenty-five dollars ($25). The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein. Previous violation by the applicant or by any person connected with him or it, of any of the provisions of Chapters 2, 4, and 5 of Division 3 of the Agricultural Code shall be good and sufficient grounds for denial of a license.

SEC. 5. Section 380.62 of said code is amended to read:

Investigation

380.62. Any agent of the department, or any peace officer, may stop any conveyance which is transporting horses, mules, burros or sheep, carcasses of the same with hides or skins on, or the hides or skins thereof on any public thoroughfare, for the purpose of making an investigation and may take possession of horses, mules, burros or sheep, carcasses of the same with hides or skins on, or hides or skins being transported and hold the same for 30 days pending an investigation. Any expense incurred thereby shall be paid by the owner. The cost of caring for such property so held shall be a lien upon the property. Such lien may be enforced in the manner prescribed in Section 3052 of the Civil Code.

SEC. 6. Section 380.70 of said code is amended to read:

Sales yards Certificate of consignment

380.70. Any person engaged in the business of selling horses, mules, burros, or the hides thereof, on consignment at any public or private sales yard shall prepare prior to inspection and keep after each such sale a certificate of consignment which contains the following information:

1. The name and address of the consignor.

2. A description of each animal sold which shall include its sex, breed, color, approximate weight, approximate age, natural marks, and a description of each brand and its location.

3. Reasonable proof of the ownership of the animal.

4. The license number of any vehicle transporting the animal to the sales yard. In those cases where the animal is transported in a trailer the license number of both the trailer and the vehicle pulling it shall be given.

5. The signature of the consignor.

The above certificate shall be kept on file in the office of the seller for a period of at least one year after the sale. All such certificates shall be exhibited on the demand of any peace officer or any agent of the Department of Agriculture.

Repeal

SEC. 7. Sections 380.52 and 380.57 of said code are hereby repealed.

CHAPTER 344

An act to amend Sections 1010, 1011, and 1012 of the Agricultural Code, relating to spray residue.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1010 of the Agricultural Code is amended to read:

1010. As used in this article:

(a) "Spray residue" means

"Spray residue"

(1) Those certain deleterious ingredients mentioned in Section 1011 or mixtures or derivatives thereof.

(2) Other added deleterious ingredients for which a tolerance has been declared or established by the Federal Security Agency or by a federal agency having authority to establish maximum quantities or permissible tolerances for spray residue or for any other added deleterious ingredient.

(3) Any economic poison or constituent thereof which on produce is harmful to human health or to domestic animals in quantities greater than a maximum amount or a permissible tolerance established, after investigation and hearing, by rules and regulations of the director.

(b) "Produce" means any fresh or dried fruits or vegetables when in such form as to indicate the same are intended for consumer use without any or further processing, and any hay, fodder or feedstuffs used for feeding livestock and poultry. "Produce" does not include commercial feeding stuffs as defined in Section 1081 of this code.

"Produce"

SEC. 2. Section 1011 of said code is amended to read:

1011. It is unlawful to pack, ship, or sell any produce carrying spray residue or other added deleterious ingredients in excess of the maximum quantity or permissible tolerance established in accordance with the provisions of this article.

Permissible tolerance

Until a different maximum quantity or permissible tolerance is established as hereinafter provided, the maximum quantity of certain deleterious ingredients per pound of produce is as follows: fluorine, 0.049 grain per pound; arsenic, expressed as arsenic trioxide, 0.025 grain per pound; lead, 0.050 grain per pound; dichloro-diphenyl-trichloro-ethane (DDT), 0.049 grain per pound.

The director after investigation may establish by rules and regulations a different maximum quantity or permissible tolerance in excess of the amounts hereinbefore stated, but any maximum quantity or permissible tolerance so established for spray residue of a kind for which maximum quantities or permissible tolerances have been prescribed by any federal agency for produce moving in interstate commerce shall not be greater than that prescribed by such agency.

Modification of permissible tolerances

SEC. 3. Section 1012 of said code is amended to read:

Authority of director

1012. The director may:

(a) Enter every place within the State where produce is grown, processed, packed, stored, shipped, transported, delivered for shipment, or sold, and inspect all produce found therein or in transit.

(b) Seize and hold any or all lots of produce which carry or show indication of spray residue or other added deleterious ingredients. Upon the seizure of any such lot of produce, the director shall issue to the owner or bailee a hold order or notice, and may affix to such lot a warning tag or tags stating that the lot is so held. Any lot of produce in respect to which a hold order or notice has been issued shall be held by the owner or bailee thereof and shall not be disturbed or moved from the place where it may be, except under the specific direction of the director, pending final disposition as hereinafter provided. This provision shall not be construed to prevent the owner or bailee from inspecting any produce so seized, nor from taking therefrom, in the presence of a person designated by the director, a reasonable sample for evidence.

CHAPTER 345

An act to amend Section 1038 of the Agricultural Code, relating to agricultural mineral sales.

In effect September 9, 1953

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

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

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

Tonnage tax

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay fifteen cents ($0.15) per ton or fraction thereof, and upon such a sale of agricultural minerals, ten cents ($0.10) per ton or fraction thereof, except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. A commercial fertilizers registrant selling agricultural minerals to an unregistered person in the original and properly labeled lots or packages of an agricultural minerals registrant shall pay thereon the agricultural minerals tonnage tax required by this section. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales, shall be rendered to the director quarterly within one calendar month after March 31st, June 30th, September 30th, and December 31st, of each year, and shall be accompanied by the amount of tonnage license tax required by this section. Any delinquency in making a statement and return, or any deficiency in any

Accounts, statements, etc.

return, shall subject the registrant to the payment of a penalty of ten percent (10%) of the amount due.

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

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

CHAPTER 346

An act to add Section 14740.1 to the Education Code, relating to deductions from school district retirement salaries.

[Approved by Governor April 22, 1953. Filed with Secretary of State April 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 14740.1 is added to the Education Code, to read:

Deductions from retirement salaries

14740.1. The district retirement board established under any school district retirement plan may comply with and give effect to a revocable written authorization signed by a retired employee entitled to a retirement salary allowance or benefit from any such board, authorizing such board to deduct a specified amount from the retirement salary allowance or benefit payable to any such retired employee for the purpose of paying premiums on any policy or certificate of group life insurance or group disability insurance issued by an admitted insurer, or for any prepaid group medical or hospital service plan, or both, approved by such retirement board, for the benefit of such retired employee or his dependents, and each month shall draw its order in favor of the insurer or institution named in said written authorization for an amount equal to the deductions so authorized and made during the month. The board may charge a reasonable fee for the making of such deductions and payments.

CHAPTER 347

An act to amend Section 28115 of the Government Code, relating to compensation for public service in counties of the fifteenth class.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28115 of the Government Code is amended to read:

Tulare County Salaries

28115. In a county of the fifteenth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

Auditor

(a) The county auditor, six thousand three hundred dollars ($6,300) a year.

District attorney

(b) The district attorney, ten thousand dollars ($10,000) a year.

Supervisors

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed seven cents ($0.07) a mile.

Jurors

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, three dollars ($3) per day if called but not sworn to try the cause, and four dollars ($4) per day if called and sworn to try the cause. For attending as a trial juror in a civil action in the superior court, four dollars ($4) per day if called but not sworn to try the cause and five dollars ($5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day. For each mile actually traveled in attending court as a juror, seven cents ($0.07) a mile each way from the place of residence to the court.

CHAPTER 348

An act to add Chapter 7 to Part 5 of Division 3 of Title 5 of the Government Code, relating to contracts between community service districts and the Federal Government.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Chapter 7 is hereby added to Part 5 of Division 3 of Title 5 of the Government Code, to read:

CHAPTER 7. COOPERATION WITH THE UNITED STATES

60740. Community service districts may 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, to the extent that it is consistent with state law, for the purpose of acquiring or constructing water distribution facilities and for the purchase, delivery and distribution of water to the district. Cooperation with United States

60741. A district may submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof in the same manner as provided for the submission of such contracts by irrigation districts in Section 23225 of the Water Code. Submission of contract to court

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CHAPTER 349

An act to amend Section 1080 of the Probate Code, relating to the distribution of estates.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1080 of the Probate Code is amended to read:

1080. When the time to file or present claims against the estate has expired, and a petition for final distribution has not been filed, the executor or administrator, or any person claiming to be an heir of the decedent or entitled to distribution of the estate or any part thereof may file a petition setting forth his claim or reason and praying that the court determine who are entitled to distribution of the estate. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. At least 10 days before the date set for the hearing of such petition by the court, the petitioner shall cause notice of the hearing thereof to be mailed to the executor or administrator and to all legatees and devisees and to all known heirs of the decedent, and to all persons (or their attorneys, if they have appeared by attorney) who have requested notice as provided in Section 1202 of this code, or who have given notice of appearance in person or by attorney, addressed to them at their respective post-office addresses given in their requests for special notice or notice of appearance, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such persons. Any person may appear and file a written statement setting forth his interest in the estate. No other pleadings are necessary and the allegations of Petition to determine distributees of estate

each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

CHAPTER 350

An act to add Sections 1132, 1133, 1134, 1135, and 1136 to the Probate Code, relating to trusts.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Sections 1132, 1133, 1134, 1135, and 1136 are added to the Probate Code, to read:

Transfer of trust assets

1132. Where, under Section 1120 of this code, jurisdiction is retained of any trust created by the will of a nonresident decedent, which will has been probated in the state of his residence and a duly appointed, qualified and acting domiciliary trustee has entered upon and is engaged in the administration of the same trust with respect to the assets situated in that state, the court may, whenever during the continuance of the trust the assets thereof under its jurisdiction consist of property of a value not in excess of seven thousand five hundred dollars ($7,500) and capable of transfer to the domiciliary trustee upon the same trusts, make an order authorizing such transfer.

Petition to transfer

1133. The order may be made on the petition of the trustee or of any person interested in the trust. The petition shall be verified and shall set forth:

Contents

1. The names, ages, and places of residence of the trustee, the domiciliary trustee, and all persons who are interested as beneficiaries in the trust, so far as known to petitioner;

2. A statement of the character, condition, location and value of the property comprising the assets sought to be transferred;

3. A general statement of the qualifications of the domiciliary trustee; the amount of his bond, if any; the nature and value of the assets of the estate of decedent under his administration; and the name of the court, if any, having jurisdiction of the domiciliary trustee or of his accounts;

4. A statement of the reason for transfer.

Hearing

1134. Upon filing of such petition the court shall set the same for hearing upon a date at least 40 days thereafter and shall cause notice thereof to be given for the time and in the manner specified in Section 1200 of this code and also by publishing a copy of such notice once each week for two weeks in a newspaper of general circulation published in the county, the first publication to be made at least 30 days prior to the time set for hearing. Petitioner shall at least 30 days prior to the time so set for hearing, cause to be mailed to each of the persons named in such petition, at their respective places of residence therein stated, a copy of such notice. Any person interested

in the trust, either as trustee, beneficiary or otherwise, may appear and file written grounds in opposition thereto.

Granting petition

1135. If, after hearing, it appears to the court that the transfer of the assets of the trust to the domiciliary trustee would facilitate the economical and convenient administration of the trust and promote the best interests of the trust and those interested therein, that the substantial rights of residents of this State would not be materially affected thereby, that the domiciliary trustee is qualified and able to take and administer such assets upon the same trusts, and that the court, if any, having jurisdiction of such domiciliary trustee or his accounts has approved such transfer, the court may, in its discretion, grant such petition and order the trustee to transfer such assets to the domiciliary trustee.

Delivery of assets

1136. The delivery in accordance with the order of the court is a full discharge of the trustee in this State in relation to all property embraced in the order and when the order becomes final it binds and concludes all parties in interest.

CHAPTER 351

An act to repeal Section 754.5 of, and to add Section 754.5 of the Probate Code, relating to the sale of estate property.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

Repeal

SECTION 1. Section 754.5 of the Probate Code is repealed.

SEC. 2. Section 754.5 is added to said code, to read:

Property as unit Appraisal and sale

754.5. When the executor or administrator determines in his discretion that, by use or relationship, any assets of the estate, whether real or personal, constitute a unit for purposes of sale, he may cause said property to be appraised as a unit; and whether or not it is appraised as a unit, he may sell all of said assets as a unit and under one bid, provided the court finds such a sale to be for the best interests of the estate; except that no private sale of such assets as a unit may be made for less than 90 percent of the sum of the appraised values of personal property and the sum of the appraised values of the real property, appraised separately, or for less than 90 percent of the appraised value if appraised as a unit. If the assets to be sold as a unit include any real property, any such sale shall otherwise be made in the manner provided for the sale of real property, the bid and sale to be subject to the limitations and restrictions established for the sale of real property; otherwise it shall be sold in the manner provided for the sale of personal property.

CHAPTER 352

An act to amend Sections 6140 and 6141 of the Business and Professions Code, relating to membership fees in the State Bar.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 6140 of the Business and Professions Code is amended to read:

Active membership fee

6140. The board shall fix the annual membership fee for active members at a sum not exceeding twenty dollars ($20). The annual membership fee for active members is payable on or before February 1st of each year.

The organization fee for an attorney licensed to practice in this State on or before July 29, 1927, who has failed to register as a member of the State Bar, is the sum of three dollars ($3).

SEC. 2. Section 6141 of said code is amended to read:

Inactive membership fee

6141. The board shall fix the annual membership fee for inactive members at a sum not exceeding five dollars ($5). The annual membership fee for inactive members is payable on or before February 1st of each year.

CHAPTER 353

An act to amend Section 296.42 of the Probate Code, relating to the estates of deceased persons and the determination of simultaneous death or the order of death.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 296.42 of the Probate Code is amended to read:

Hearing to determine order of death

296.42. At the time appointed, the court, upon proof that due notice of the hearing has been given, shall proceed to hear the petition and any objections thereto that may have been filed or presented; and if, after a full hearing, the court is satisfied that the named persons are dead and that there is no sufficient evidence that they died other than simultaneously, it shall make an order to that effect. If the court is satisfied that the named persons are dead and that they did not die simultaneously then the court shall make an order setting forth the order in which such persons died. Such order when it becomes final shall be a binding determination of the facts therein set forth and conclusive as against the personal representatives of the deceased persons named in the order and against all persons claiming by, through or under any such deceased persons. The probate court

which first acquires jurisdiction under Section 296.41 shall have exclusive jurisdiction to determine, by its order, that there is no sufficient evidence that the named persons died otherwise than simultaneously or to determine the order in which the named persons died.

CHAPTER 354

An act to add Sections 981.6, 981.8, and 981.14 to the Military and Veterans Code, relating to educational benefits for veterans, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.] In effect immediately

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

SECTION 1. Section 981.6 is added to the Military and Veterans Code, to read:

981.6. No veteran who is receiving federal educational benefits shall be eligible to receive the educational benefits provided by this article during such time that he is receiving federal educational benefits. Non-eligibility

SEC. 2. Section 981.8 is added to said code, to read:

981.8. No veteran, as defined in Section 980 or Section 980.14 of this code, shall receive educational benefits as provided by this code unless he has served at least 90 days on active duty with the armed forces of the United States. This provision shall not apply to a veteran who was discharged due to a service connected disability within said 90-day period. Minimum military service

SEC. 3. Section 981.14 is added to said code, to read:

981.14. As used in this article, "veteran" also includes any person who served in the military or naval service of the United States during the period June 27, 1950, to a future date to be established by proclamation of the Governor, and receives an honorable discharge therefrom or is released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission, or drafting, a native of or a bona fide resident of this State or who, if a minor at such time, had lived in this State for six months immediately preceding his enlistment, induction, commission, or drafting. "Veteran"

Whenever the Governor, after June 27, 1950, finds that the United States is no longer engaged in any type of campaign involving persons in active duty in the armed forces, he shall issue a proclamation establishing the date after which persons entering active duty in the armed forces shall not be considered veterans for the purposes of this article. Governor's proclamation

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 Urgency

go immediately into effect. The facts constituting such necessity are:

That a well educated population is necessary to the maintenance of the public peace and safety. That unless this bill goes into immediate effect Korean veterans will be unable to obtain the educational benefits provided by this bill for use during the summer or early fall terms of this year. That many such veterans are unable to obtain higher education without this state aid. Such a failure to provide veterans with immediate opportunities for education will endanger the immediate preservation of public peace and safety; therefore it is necessary that this bill go into immediate effect for the immediate preservation of the public peace and safety.

CHAPTER 355

An act to amend Sections 985.5, 986.3, and 986.5 of the Military and Veterans Code, relating to aid to veterans under the Veterans' Farm and Home Purchase Act of 1943.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 985.5 of the Military and Veterans Code is amended to read:

Maximum real property holdings

985.5. No veteran shall receive the benefits hereof who, in the case of the purchase of a farm would thereby become the holder of real estate exceeding in value eighteen thousand five hundred dollars ($18,500) or who in the case of the purchase of a home would thereby become the holder of real estate exceeding in value twelve thousand five hundred dollars ($12,500).

SEC. 2. Section 986.3 of said code is amended to read:

Conditions of acquisition

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department actually to reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The purchase price to the department of the property, or the sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements, does not exceed the sum of fifteen thousand dollars ($15,000) in the case of a farm, or eight thousand five hundred dollars ($8,500) in the case of a home.

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The total value of said real property and the improvements to be constructed thereon in accordance with the contract, plans and specifications submitted shall not exceed the sum of twelve thousand five hundred dollars ($12,500) in the case of a home or eighteen thousand five hundred dollars ($18,500) in the case of a farm.

(6) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

SEC. 3. Section 986.5 of said code is amended to read:

Purchase price to department

986.5. The purchase price of a home to the department, shall not exceed the sum of eight thousand five hundred dollars ($8,500), and a veteran purchasing the home may advance the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986.9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran, but in no case shall the total value thereof after completion of construction exceed twelve thousand five hundred dollars ($12,500). The purchase price of a farm to the department shall not exceed fifteen thousand dollars ($15,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran, but in no case shall the total value of the farm and the dwellings and improvements thereon exceed eighteen thousand five hundred dollars ($18,500).

CHAPTER 356

An act to amend Section 13552 of the Government Code, relating to prices to be charged for state printing.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 13552 of the Government Code is amended to read:

Cost finding system

13552. The department shall cause to be installed and the Printing Division shall use a cost finding system for determining the cost of all work performed in the State Printing Office.

CHAPTER 357

An act to amend Sections 431 and 432 of the Military and Veterans Code, relating to the control of armories.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 431 of the Military and Veterans Code is amended to read:

Adjutant General Control of armories

431. The Adjutant General shall have the power to, either directly or through armory boards, lease or otherwise authorize the use of, by any person for any lawful purpose, manage, supervise all activities in, perform all necessary military duties with respect to and control all armories that are built or acquired by the State, that come into possession or control of the State, or that are erected, purchased, leased, or provided or contributed to in whole or in part by any city or county, or other political subdivision of the State or public corporation or district or by anyone for armory purposes. All revenues or income from any armory shall be paid and deposited pursuant to rules and regulations adopted by the Adjutant General and may, at the direction of the Adjutant General, be paid directly to the Adjutant General or to armory boards, which shall account for the same to the Adjutant General. Such revenue or income shall be used by the Adjutant General or said armory boards for military purposes which shall include but not be limited to payment of necessary armory maintenance, repairs, improvements or other required armory expenses and assistance and allowances to units and organizations of the active militia, including the National Guard and Air National Guard. Post, welfare or similar unit or organizational funds may be established and deposited pursuant to rules and regulations adopted by the Adjutant General. The Adjutant General shall obtain

the approval of the Department of Finance before executing any license or lease of an armory for a term of one year or longer.

SEC. 2. Section 432 of said code is amended to read:

432. For the control and management of the armories, the Adjutant General may cause to be established from the personnel of the organized militia armory boards, the personnel of which shall serve without pay. Such boards, subject to the direction of the Adjutant General, shall control, manage, and supervise all activities in armories and may rent to or otherwise authorize the use of such armories by persons and organizations including those not connected with the National Guard and Naval Militia. Such boards shall remit all revenues therefrom at least once each month to the Adjutant General who shall use the same for military purposes. Such board shall obtain the approval of the Department of Finance before executing any license or lease of an armory for a term of one year or longer. Armory boards

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CHAPTER 358

An act to amend Section 20354 of the Education Code, relating to the lease of state college property.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.] In effect September 9, 1953

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

SECTION 1. Section 20354 of the Education Code is amended to read:

20354. The Director of Education, subject to the approval of the Department of Finance, may lease any property of a state college to a nonprofit organization composed exclusively of students of the college or of members of the faculty of the college, or of both, for purposes related to the activities of the college or to activities of organizations of students or members of the faculty. Lease of state college property

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CHAPTER 359

An act to amend Section 6359 of the Revenue and Taxation Code, relating to the exemption of food products from sales and use taxation.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.] In effect September 9, 1953

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

SECTION 1. Section 6359 of the Revenue and Taxation Code is amended to read:

6359. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or Tax exemptions

other consumption in this State of food products for human consumption.

"Food products"

"Food products" include cereals and cereal products, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products other than candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products other than candy and confectionery.

"Food products" do not include spirituous, malt or vinous liquors, soft drinks, sodas, or beverages such as are ordinarily dispensed at bars and soda fountains or in connection therewith, medicines, tonics, and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

"Food products" also do not include meals served on or off the premises of the retailer or drinks or foods furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware provided by the retailer.

"Food products" include milk shakes, malted milks, and any other beverages composed at least in part of milk or a milk product and requiring the use of milk or a milk product in their preparation, which are purchased for consumption off the premises of the retailer.

CHAPTER 360

An act to add Section 884.5 to the Welfare and Institutions Code, relating to medical, surgical, and dental care of wards of the juvenile court.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 884.5 is hereby added to the Welfare and Institutions Code, to read as follows:

Medical, etc. care for juvenile court wards

884.5. Whenever a ward of the juvenile court is placed by order of the court within the care and custody or under the supervision of the probation office of the county in which the ward resides, and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable or willing to authorize remedial care or treatment for the ward, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the probation officer may authorize such medical, surgical or dental care for the ward, by licensed practitioners, as may from time to time appear necessary. Nothing heretofore stated in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of custody and control by order of the court, in providing any medical or other remedial treatment recognized or permitted under the laws of this

State. If the written report of a duly licensed physician indicates that immediate emergency medical or surgical care is required, the juvenile court may make an order authorizing the necessary medical or surgical care without notice to the parent, guardian, or person standing in loco parentis.

CHAPTER 361

An act authorizing the sale of certain Folsom State Prison property to the City of Folsom, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.] In effect immediately

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

SECTION 1. The Director of Finance is authorized, with the approval of the Director of Corrections to sell to the City of Folsom, in Sacramento County, at such price as may be agreed upon by the Director of Finance and the City Council of the City of Folsom a portion of that certain parcel of land belonging to the State of California and held for the use of Folsom State Prison. The land to be sold as provided for herein is particularly described as follows: Sale to City of Folsom

All that portion of that certain tract of land designated as "Natoma Purchase" on the "Plat of Subdivision of the Rancho Rio De Los Americanos" recorded on April 6, 1866 in Book 1 of Maps, Map No. 2, official record of Sacramento County, described as follows: Commencing at a point located at the intersection of the northerly boundary line of the so-called Mormon Island Road where said boundary line intersects the northeasterly boundary line of the Town of Folsom as said northeasterly boundary line of the Town of Folsom is shown and delineated on the official "Map of the Town of Folsom" made by Theodore Judah and filed and recorded in the office of the County Recorder of Sacramento County on December 27, 1855, in Book 1 of Maps, Map No. 7, thence from said point running along the northerly boundary line of said Mormon Island Road north 53°-12′ east 737.1 feet, north 57°-05½′ east 30.0 feet, north 59°-56′ east 190.0 feet to a point in the northerly boundary line of said Mormon Island Road, the point of beginning; thence from said point of beginning along the following courses and distances north 35°-0′ west a distance of 470.8 feet to a point; thence from said point south 53°-12′ west a distance of 260.0 feet to a point; thence from said point north 36°-48′ west a distance of 1,130.0 feet to a point on the southerly boundary line of that certain property owned by the Pacific Gas and Electric Company, a corporation; thence from said point and along the said southerly boundary line of Pacific Gas and Electric Company property the following courses and distances north 45°-26½′ east a distance of 168.8 feet, thence north 32°-11′ Description of land

east a distance of 185.9 feet, thence north 26°-23½′ east a distance of 240.0 feet to a point on the aforesaid southerly boundary line of Pacific Gas and Electric Company property; thence from said point south 35°-39′ east a distance of 1,830.89 feet to a point on the northerly boundary line of the Mormon Island Road; thence from said point south 59°-56′ west a distance of 275.0 feet to the point of beginning, said tract of land containing 17.99 acres more or less.

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 therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

Lack of adequate park and recreational facilities is a recognized factor contributing to juvenile delinquency and impaired health and morale of the entire population. The property to be sold to the City of Folsom pursuant to this act is desired by the city for use for park purposes, and development thereof for such use is to be commenced as soon as possible. To facilitate provision of needed park and recreational facilities at the earliest possible date, it is necessary that this act take effect immediately. A copy of each deed of conveyance executed and delivered by the Director of Finance shall be delivered to the State Lands Commission.

CHAPTER 362

An act to amend Section 28 of Chapter 1466 of the Statutes of 1949, as amended by Chapter 1554 of the Statutes of 1951, relating to property taxation and the allocation of state funds; declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 28 of the act, as amended, cited in the title hereof is amended to read:

Operative date

Sec. 28. The provisions of Sections 1 to 27, inclusive, of this act shall take effect on September 2, 1950, to the end that they shall be operative for the first time with respect to assessments made as of the first Monday in March, 1955, and taxes levied and funds allocated on the basis thereof. Meanwhile, when funds are available for that purpose, the State Board of Equalization shall proceed with surveys in the manner directed by Section 1831 of the Revenue and Taxation Code, as added by this act, to assure completion of a survey pursuant to that section with respect to each county by the second Monday in July, 1955.

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 this necessity are:

Numerous unsolved problems of such magnitude have arisen as to the scope and application of Chapter 1466 of the Statutes of 1949, that if such law is permitted to become operative on July 1, 1953, as currently contemplated, there is great danger of a serious dislocation in the local tax structure. In order to avoid this situation, and to permit the uninterrupted continuation of the performance of necessary public services supported by revenue raised and distributed locally, it is necessary for the immediate preservation of the public peace, health and safety that this measure be enacted to take effect at once.

CHAPTER 363

An act to repeal Section 1552.4 of the Welfare and Institutions Code and to add Section 1552.4 to said code, relating to aid to needy children.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1552.4 of the Welfare and Institutions Code is repealed.

Repeal

SEC. 2. Section 1552.4 is added to said code, to read:

1552.4. The board of supervisors shall immediately notify the district attorney of the county whenever aid is granted to a child who is not being supported by a parent unless it is definitely established that the parent is financially incapable of providing such support.

Notice to district attorney

The county welfare department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Cooperation by county welfare department

The district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. The district attorney shall report regularly to the board of supervisors on the progress of his efforts.

Investigation and report

CHAPTER 364

An act to amend Section 123 of the Agricultural Code, relating to nursery stock manifests

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 123 of the Agricultural Code is amended to read:

Shipment of nursery stock Markings

123. It is unlawful to ship or cause to be shipped any nursery stock from one county or locality of the State to another county or locality within the State without having marked thereon in a conspicuous manner and place the name and address of the shipper, owner, or person forwarding the same, and also the name of the person, or his agent, to whom the same is forwarded.

It is unlawful to sell, deliver, or transport any nursery stock from one county to another county within the State without having affixed thereto in a conspicuous place a shipping permit issued by the commissioner having jurisdiction in the county of origin, warning that inspection at destination is required, or in lieu of such shipping permit a valid intercounty nursery stock certificate issued by the commissioner of the county of origin.

Shipping permit

It is unlawful to sell, deliver, or transport any nursery stock from one locality to another locality within the same county without having affixed thereto in a conspicuous place a shipping permit or in lieu thereof a certificate of inspection and release or an intercounty nursery stock certificate issued by the commissioner of that county, giving notice that inspection at destination is not required. A shipping permit or certificate of inspection and release need not be affixed to nursery stock when sold at retail for planting within said same county and delivered to the purchaser on premises where a certificate of inspection and release of a size suitable for display is exhibited in a manner and in such location or locations as may be prescribed by the commissioner.

Manifest

It is unlawful to sell, deliver, or transport any nursery stock, except nursery stock accompanied by a certificate of inspection and release or an intercounty nursery stock certificate, without forwarding, at or prior to the time of shipment, to the commissioner having jurisdiction at destination, a manifest stating the name and address of the shipper, the name and address of the person to whom the shipment is being forwarded, the name and quantity of each of the kinds of plants contained therein, the name of the locality where each kind of nursery stock was grown, and the name of the carrier whereby the shipment is being transported, whether by freight, express, mail, truck, boat, airplane or otherwise.

The requirement for a manifest shall not apply to shipments of seeds.

CHAPTER 365

An act to amend Section 122 of the Agricultural Code, relating to nursery stock certificates

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 122 of the Agricultural Code is amended to read:

122. It is unlawful for any person to receive or bring into any county or locality of the State from another county or locality within the State any nursery stock, or such plants, appliances or other things or any shipment thereof as the commissioner or the director may consider and designate as liable to be infected or infested with pests, without notifying the commissioner of the arrival of such articles immediately after the arrival thereof, and holding the same for immediate inspection by the commissioner, without unnecessarily moving or placing such articles where they may be harmful. Importation of nursery stock, etc

Shipments of less than five pounds of field, vegetable and flower seed or comprised of packages of less than three pounds of each kind of such seed are exempt from the provisions of this section and the shipping permit required by Section 123 may be waived by the commissioner. Exemptions

Any shipment of nursery stock moved from one locality to another within the same county, carrying a valid certificate of inspection and release or a valid intercounty nursery stock certificate issued by the commissioner of that county, is exempt from the requirements of this section.

Any shipment of nursery stock moved from one county to another carrying a valid intercounty nursery stock certificate issued in accordance with the provisions of this chapter by the commissioner of the county of origin is exempt from the requirements of this section.

CHAPTER 366

An act to add Section 5522 to the Welfare and Institutions Code, relating to escape of sexual psychopaths.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5522 is added to the Welfare and Institutions Code, to read:

5522. Every person ordered placed in a county facility or state hospital temporarily for observation pursuant to this chapter or committed for an indeterminate period to a state hospital or state institution as a sexual psychopath, who escapes or attempts to escape therefrom, or who escapes or attempts to escape while being conveyed to or from such county facility, state hospital or state institution, is punishable by imprisonment in the state prison not to exceed five years or in the county jail not to exceed one year. Escapes Misdemeanor or felony

CHAPTER 367

An act to amend and renumber Section 14074.5 of the Health and Safety Code as added by Chapter 1587, Statutes of 1951, relating to fire protection districts.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 14074.5 of the Health and Safety Code as added by Chapter 1587, Statutes of 1951, is amended and renumbered to read:

Civil service system

14074.6. The district board may by ordinance provide for a civil service system for employees of the district, and may provide for the hiring of employees under such system as may be necessary to carry out the powers and duties and functions of the district.

CHAPTER 368

An act to amend and renumber Article 5 of Chapter 1, Part 1, Division 2, Title 2 of the Government Code as added by Chapter 1238 of the Statutes of 1949, relating to legislative funds and administration.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Article 5 of Chapter 1, Part 1, Division 2, Title 2 of the Government Code as added by Chapter 1238 of the Statutes of 1949 is amended and renumbered to read:

Title amendment

Article 6. Legislative Funds and Administration

CHAPTER 369

An act to amend Section 54414 of the Government Code, relating to the powers and duties common to cities, counties, and other agencies.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 54414 of the Government Code is amended to read:

Incorporation by reference

54414. Reference on the face of the bonds to the resolution by its date of adoption incorporates the provisions of the resolution and of this chapter into the bonds and their coupons.

CHAPTER 370

An act to amend Section 7904 of the Public Resources Code, relating to proceedings against delinquent purchasers of state lands.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7904 of the Public Resources Code is amended to read:

7904. Service of the summons in such action may be made by publication for four weeks in some newspaper published in the county, or if no newspaper is published in the county, then by posting one copy of the summons for four weeks at the courthouse door of the county, and two copies in public places in the judicial district where the land is situated.

Service of summons

CHAPTER 371

An act to repeal Chapter 117 of the Statutes of 1880, relating to drainage districts.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 117 of the Statutes of 1880 is repealed.

Repeal

CHAPTER 372

An act to amend Section 1611 of the Water Code, relating to the issuance or refusal of licenses to divert water.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1611 of the Water Code is amended to read:

1611. If, upon inspection and examination of the works constructed and the use of water therefrom, the department finds that the construction and condition of the works and the use of water therefrom are not in conformity with the law, the rules and regulations of the department, and the terms of the permit, it may, after due notice in writing and in the manner provided in Sections 1011, 1012, and 1013 of the Code of Civil Procedure to the holder of the permit, and a public hearing thereon, refuse to issue the license.

Refusal to issue license

CHAPTER 373

An act to amend Section 1464 of the Water Code, relating to preferred priorities of municipalities in the appropriation of water.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 1464 of the Water Code is amended to read:

Municipality as public utility

1464. In lieu of the granting of such temporary permits for appropriation, the department may authorize the municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the Public Utilities Commission of the State for such period from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted.

CHAPTER 374

An act to amend Section 310 of the Water Code, relating to waste from artesian wells.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 310 of the Water Code is amended to read:

Venue

310. All prosecutions for the violation of any of the provisions of this article shall be instituted in the justice court or municipal court of the county in which the well is situated.

CHAPTER 375

An act to amend Section 5060 of the Streets and Highways Code, relating to the Improvement Act of 1911.

In effect September 9, 1953

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 5060 of the Streets and Highways Code is amended to read:

Provisions exclusive

5060. No other law of this State shall govern or be applicable to any publication provided for in this division, nor shall the provisions of Title 1, Division 7, Chapter 1 of the Government Code have any application to any publication provided for in this division.

CHAPTER 376

An act to amend Section 824 of the Streets and Highways Code, relating to highways.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 824 of the Streets and Highways Code is amended to read:

824. Expenditures made from the State Highway Fund or the State Highway General Fund to the extent to which the United States is obligated by a project agreement to reimburse the State, shall be considered as advancements made by this State for performance on behalf of the United States, and shall not be considered as expenditures of state funds. Such advancements are not subject to any provisions of law relative to allocation of State Highway Fund, or State Highway General Fund moneys. Such advancements must be excluded in making the computations required by Section 11274 of the Government Code and the amount of such advancements made and to be so excluded during any given period of time shall be deemed to be equal to the amount received from the Government of the United States as reimbursement for street or highway projects and deposited in the State Treasury during said period of time.

Advancements

CHAPTER 377

An act to amend Section 5360 of the Welfare and Institutions Code, relating to drug addicts.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5360 of the Welfare and Institutions Code is amended to read:

5360. If, when a girl or boy is brought before a juvenile court under the Juvenile Court Law, or if, on the arrest of any person charged with crime in any court, it appears to the court, either before or after adjudication, that such person is a drug addict within the meaning of this article, the court may adjourn the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this article against the person before the court, and the court may order that, pending the preparation, filing, and hearing of the petition, the person before the court be detained in a place of safety, or if a minor, be placed under the guardianship of some suitable person on his entering into a recognizance for the appearance of the person upon trial or under conviction when

Prosecution of drug addicts

required. If, upon the hearing of the petition, or upon a subsequent hearing, the person before the court, upon trial, or under conviction, is found not to be a drug addict, the court may proceed with the trial or impose sentence, as the case may be If the person is committed to the hospital as a drug addict and has been detained therein for a period of not less than three months, whenever thereafter the superintendent of the institution wherein the addict is confined certifies to the committing court that the person has been sufficiently treated, or give any other reason which is deemed by the court to be adequate and sufficient, the court may order the discharge of the person so committed, or may order his return to await the further action of the court.

CHAPTER 378

An act to amend Sections 34080, 34327 and 34328 of the Government Code, relating to the government of cities.

In effect September 9, 1953

[Approved by Governor April 23, 1953 Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 34080 of the Government Code is amended to read:

Affidavit When required

34080. The clerk of the legislative body conducting the proceeding shall file with the recorder of the county in which the city is located, an affidavit stating that all requirements of law pertaining to the proceeding have been complied with, if it relates to:

(a) Incorporation of territory as a city.

(b) Consolidation of cities.

(c) Change of name of a city.

(d) Disincorporation of a city.

(e) Reclassification of a city other than by action of the Legislature.

(f) Annexation of territory to, or exclusion of territory from, a city.

(g) The boundaries of any city.

The city shall not perform any official act, the validity of which depends upon such proceedings, until the affidavit of completion has been filed.

SEC. 2. Section 34327 of said code is amended to read:

Filing

34327. The board shall cause a certified copy of the order to be filed in the Office of the Secretary of State, and shall cause its clerk to file the affidavit of completion required by Section 34080 of this code

SEC. 3. Section 34328 of said code is amended to read:

Incorporation complete

34328. After the date of filing, incorporation is complete, and, upon qualifying, the officers shall enter upon the duties of their offices. Immediately following its organization, the city council shall cause to be filed the statement of boundary creation required by Section 54900 of this code.

CHAPTER 379

An act to add Section 330c to Chapter 10 of Title 9 of Part 1 of the Penal Code, relating to the manufacture, distribution and possession of punchboards.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 330c is added to Chapter 10 of Title 9 of Part 1 of the Penal Code, to read:

"Punchboard"

330c. A punchboard as hereinafter defined is hereby declared to be a slot machine or device within the meaning of Section 330b of this code and shall be subject to the provisions thereof. For the purposes of this section, a punchboard is any card, board or other device which may be played or operated by pulling, pressing, punching out or otherwise removing any slip, tab, paper or other substance therefrom to disclose any concealed number, name or symbol.

CHAPTER 380

An act making an appropriation for family care of patients, Department of Mental Hygiene, to take effect immediately.

[Approved by Governor April 23, 1953. Filed with Secretary of State April 24, 1953.]

In effect immediately

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

Appropriation. Family care for persons on parole from institutions of Department of Mental Hygiene

SECTION 1. The sum of sixty-two thousand five hundred eighty dollars ($62,580) is hereby appropriated out of the General Fund in the State Treasury, in augmentation of Item 172 of the Budget Act of 1952, for family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene.

Current expenses

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

CHAPTER 381

An act relating to assessments of water conservation districts in Santa Clara County, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 24, 1953. Filed with Secretary of State April 24, 1953.]

In effect immediately

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

Yearly assessments

SECTION 1. Any other provisions of law notwithstanding, in water conservation districts organized or operating under the provisions of the Water Conservation Act of 1931 and located in Santa Clara County the regular yearly assessments to raise funds for district purposes may be at a rate not to exceed two

and one-half (2½) mills on each one hundred (100) cents of the assessed values of the lands within the district according to the last assessment rolls, such regular assessments to be exclusive of assessments for the payment of special assessments or for the payment of bonds, which special assessments and bonds have been voted upon and authorized according to law.

Legislative findings

SEC. 2. The Legislature hereby finds and declares that there are unique conditions and circumstances, climatic and topographic, within Santa Clara County which necessitate that there be a method whereby water conservation districts in that county may raise additional funds. The heavy demands for water which have been made by the long-established and highly productive agricultural industry in Santa Clara County, coupled with the recent droughts in that area, have made it necessary to construct large and numerous water conservation projects in order that the supply of water may more nearly satisfy the demand. Furthermore, Santa Clara County is unique in that it is so located that it has not directly benefited from the large reclamation and irrigation projects which have been undertaken in the Sacramento and San Joaquin Valleys. It must, to a large extent, satisfy its own water requirements. The large projects which have been instituted and constructed by the various water conservation districts in Santa Clara County entail great annual operation and maintenance expenses, and this act provides a means for the raising of sufficient funds to meet the unique expenses of water conservation districts in Santa Clara County.

Urgency

SEC. 3. 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 therefore go into immediate effect. A statement of the facts constituting said necessity is as follows:

Water is vital to the State of California, and there is urgent necessity for its conservation. There are water conservation districts in this State whose expanded conservation operations, with resultant greatly increased current expense, require annual revenue in excess of what can be raised under existing tax limitations. The additional revenue is needed immediately, in order that said water conservation operations may be continued without interruption and at maximum efficiency.

CHAPTER 382

An act to amend Sections 35401 and 35626 of the Water Code, relating to powers of water districts.

In effect September 9, 1953

[Approved by Governor April 24, 1953. Filed with Secretary of State April 24, 1953.]

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

SECTION 1. Section 35401 of the Water Code is amended to read as follows:

35401. A district may acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the storage and distribution of water and to supply the land and residents within said district with sufficient water for irrigation and domestic purposes, and any drainage or reclamation works connected therewith or incidental thereto.

Acquisition, etc., of storage, drainage, etc., works

SEC. 2. Section 35626 of the Water Code is amended to read as follows:

35626. The use of all water required for the irrigation of the lands of any district formed under the provisions of this division and for domestic and other incidental and beneficial uses within such district together with all other property which may be required to carry out fully the provisions of this division is a public use and may be acquired by the district in eminent domain proceedings.

Eminent domain

CHAPTER 383

An act to amend Sections 14258.6 and 14549 of the Health and Safety Code, relating to the division of funds and property of a fire protection district upon withdrawal of territory.

[Approved by Governor April 24, 1953. Filed with Secretary of State April 24, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 14258.6 of the Health and Safety Code is amended to read:

14258.6. Upon the withdrawal of any territory of a district included within a city all property required for the district and all unencumbered funds remaining on hand on the date of withdrawal, including taxes levied and collected by the district on property withdrawn after the date of withdrawal, shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district.

Withdrawal of district territory lying within city Division of funds

SEC 2. Section 14549 of the Health and Safety Code is amended to read:

14549. Upon the withdrawal of any territory of a district, all property acquired for the district and all unencumbered funds on the date of withdrawal, including taxes levied and collected by the district on property withdrawn after the date of withdrawal, shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district.

CHAPTER 384

An act to amend Section 356 of the Education Code, relating to duties of the county superintendent of schools.

In effect September 9, 1953

[Approved by Governor April 24, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 356 of the Education Code is amended to read:

Duties of county superintendent of schools

356. The county superintendent of schools shall also:

(a) Enforce the course of study.

(b) Enforce the use of state textbooks and of high school textbooks regularly adopted by the proper authority.

(c) Preserve carefully all reports of school officers and teachers.

(d) Deliver to his successor, at the close of his official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which will be filed in the office of the county clerk.

CHAPTER 385

An act to add Section 21200.5 to the Corporations Code, relating to the powers of unincorporated nonprofit medical associations.

In effect September 9, 1953

[Approved by Governor April 24, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 21200.5 is added to the Corporations Code, to read:

Powers of unincorporated medical associations

21200.5. Any unincorporated association that is an organized medical society limiting its membership to doctors of medicine who are licensed physicians and surgeons and that has as members a majority of the eligible physicians and surgeons residing in the area in which it functions (which must be at least one county) may, without incorporation, purchase, receive, own, hold, lease, mortgage, pledge, or encumber by deed of trust or otherwise, manage and sell all such real estate and other property as may be convenient for the purposes and objects of the association. The members of any such unincorporated association are not individually or personally liable for debts or liabilities contracted or incurred by the association in the acquisition of lands or leases or the purchase, leasing, construction, repairing or furnishing of buildings or other structures to be used for the purposes of the association or for debts or liabilities contracted or incurred by the association in the carrying out or performance of any of its purposes; provided, that such purposes are within the purposes stated in Section 21000 of this part.

Liability of members

CHAPTER 386

An act to amend Sections 9609, 9650, 9651, 9655, 9656, 9715, 9751, 9756, 9758, 9766, and 9767 of, and to add Sections 9608.6, 9650.1, 9650.3, and 9757.5 to, the Business and Professions Code, and to add Section 8250.5 to the Health and Safety Code, relating to cemeteries.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 9609 of the Business and Professions Code is amended to read:

9609. This act does not apply to any of the following:

Exemptions

(a) A religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) A public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, established prior to September 19, 1939; however, such cemeteries shall be subject to the cemetery brokerage provisions of this act.

SEC. 2. Section 9650 of said code is amended to read:

9650. Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before April 1st, or within three months after close of their fiscal year provided approval has been granted by the board as provided for in Section 9650.1, a written report in form prescribed by the board setting forth:

Endowment care funds Report

(a) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care by specific periods as set forth in the form prescribed.

(b) The amount collected and deposited in both the general and special endowment care funds segregated as to the amounts for crypts, niches and grave space by specific periods as set forth either on the accrual or cash basis at the option of the cemetery authority.

(c) A statement showing separately the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall actually show the financial condition of the funds.

The report shall be verified by the president or vice president and one other officer of the cemetery corporation and shall be certified by the accountant or auditor preparing the same.

SEC. 3. Section 9651 of said code is amended to read:

9651. The board shall examine the reports filed with it as to their compliance with the requirements of the Health and Safety Code as to the amount of endowment care funds collected and as to the manner of investment of such funds.

Examination of reports

SEC. 4. Section 9655 of said code is amended to read:

Minimum amounts in fund

9655. If any examination made by the board, or any report filed with it, shows that there has not been collected and deposited in the endowment care funds the minimum amounts required by the Health and Safety Code since September 19, 1939, the board shall require such cemetery corporation to comply with Sections 8743 and 8744 of the Health and Safety Code.

SEC. 5. Section 9656 of said code is amended to read:

Unauthorized investment

9656. Whenever the board finds, after notice and hearing, that any endowment care funds have been invested in violation of the Health and Safety Code it shall by written order mailed to the person or body in charge of the fund require the reinvestment of the funds in conformity to that section within the period specified by it which shall be not less than two years where the investment was made prior to the effective date of this act and not less than six months when made after such effective date. Such period may be extended by the board in its discretion.

SEC. 6. Section 9715 of said code is amended to read:

Application for certificate of authority

9715. Applications in writing for a certificate of authority shall be made by a cemetery authority to the board accompanied by the fee provided for in this act. Such application must show that the cemetery authority owns or is actively operating a cemetery in this State which is subject to the provisions of the Cemetery Act or that the applicant is in a position to commence operating a cemetery.

SEC. 7. Section 9751 of said code is amended to read:

Fees

9751. The original cemetery broker's license fee is forty dollars ($40).

SEC. 8. Section 9756 of said code is amended to read:

9756. The original cemetery salesman's license fee is five dollars ($5).

SEC. 9. Section 9758 of said code is amended to read:

9758 No part of any original or temporary cemetery salesman's license fee is refundable. It is deemed earned upon receipt by the board, whether the accompanying application for license is complete or incomplete.

SEC. 10. Section 9766 of said code is amended to read:

Certificate of authority

9766. Upon payment of the charges set forth the board shall issue a certificate of authority to the cemetery authority.

SEC. 11. Section 9767 of said code is amended to read:

Failure to pay

9767. Failure to pay the charges set forth by Section 9765 of this code prior to February 1st for each year shall be cause for suspension of the certificate of authority. Such certificate may be restored upon payment to the board of the prescribed charges.

SEC. 12. Section 9608.6 is added to said code, to read:

"Public cemetery"

9608.6. "Public cemetery" means a cemetery owned and operated by a city, county, city and county, or public cemetery district.

SEC. 13. Section 9650.1 is added to said code, to read:

9650.1. Each cemetery authority requesting a change of filing date of the endowment care fund report from a calendar year to a fiscal year or a change in fiscal year shall file a petition with the board prior to the close of the year of request. The board may approve such petition provided that no report shall be for a period of more than 12 months.

Change of filing date

SEC. 14. Section 9650.3 is added to said code, to read:

9650.3. The reports to the board are not public documents, and shall not be open to inspection by the public.

Reports not public documents

SEC. 15. Section 9757.5 is added to said code, to read:

9757 5. The temporary cemetery salesman's license fee is five dollars ($5), payable at the time of each filing of an application for such license.

Temporary cemetery salesman's license fee

SEC. 16. Section 8250.5 is added to the Health and Safety Code, to read:

8250.5. As used in Section 8250 of this code, a public cemetery is a cemetery owned and operated by a city, county, city and county, or public cemetery district.

"Public cemetery"

CHAPTER 387

An act to amend Section 5003 of the Penal Code, relating to the correctional system.

[Approved by Governor April 27, 1953, Filed with Secretary of State April 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5003 of the Penal Code is amended to read:

5003. The department has jurisdiction over the following prisons and institutions:

Institutions under jurisdiction of Department of Corrections

(a) The California State Prison at San Quentin
(b) The California State Prison at Folsom
(c) The California Institution for Men
(d) The California Institution for Women
(e) The Deuel Vocational Institution
(f) The California Medical Facility
(g) The California State Prison at Soledad
(h) The California Medium Security Prison
(i) Such other institutions and prison facilities as the Department of Corrections or the Director of Corrections may be authorized by law to establish.

CHAPTER 388

An act to amend Section 2690 of the Penal Code, relating to the temporary removal of prisoners.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 2690 of the Penal Code is amended to read:

Temporary removal of prisoners

2690. The Director of Corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the prison or institution in which he is confined, or of furnishing to the person medical treatment not available at the prison or institution, or for the purpose of having interviews with prospective employers on contemplated parole placement programs at any time within 90 days of scheduled parole release at the request of the Adult Authority governing male prisoners and at the request of the Board of Trustees, California Institution for Women, governing female prisoners.

Except in the case of removal for medical treatment, such removal shall not be for a period longer than one day.

CHAPTER 389

An act to amend Section 810.5 of, and to add Sections 810.51, 810.52, 810.53 and 810.54 to, the Agricultural Code, relating to asparagus standards.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 810.5 of the Agricultural Code is amended to read:

Asparagus standards

810.5. Fresh asparagus shall not be wilted, or crushed (except such injuries as are necessarily caused in proper sorting or packing); stalks shall not have badly broken, badly spreading or badly seeded tips and shall be free from decay and from damage caused by dirt, disease, insects, mechanical injury or other causes. Stalks of asparagus, shall not be badly crooked.

"Damage"

"Damage" means any injury from the causes mentioned which materially affects the quality.

Tolerance

Not more than 10 percent, by count, of the asparagus stalks in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be

allowed for any one cause. Asparagus which fails to meet these requirements only because of being "badly crooked" shall be considered as complying with this standard if the container in which it is packed is plainly marked on the outside of the end bearing other markings required by this section, in letters not less than one-half inch in height, with the word "crooks."

In view of differences in climatic and other natural conditions prevailing south and east of San Gorgonio Pass, which causes fresh asparagus grown in that area to be satisfactory in quality only if a large portion of the stalk is green or colored, and therefore must be cut at a shorter length, as compared to asparagus grown in the area north and west of the San Gorgonio Pass, stalks of asparagus produced in the area south and east of San Gorgonio Pass shall have not more than two inches of white on the butt, except that not more than 20 percent of the stalks in any bunch, or when not packed in bunches, 20 percent of the stalks in any container, may have not to exceed 2½ inches of white.

SEC. 2. Section 810.51 is added to the Agricultural Code, to read:

Containers Markings

810.51. All containers of asparagus shall bear upon them in plain sight and in plain letters on one outside end, (1) the name of the person who first packed or authorized the packing of the asparagus, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and (2) one of the size designations defined in Section 810.53 shown in letters not less than one-half inch in height. Asparagus packed in bunches that weigh not less than two pounds each may be marked with one of the grade classifications defined in Section 810.52 in lieu of the size designations in Section 810.53. Crates of such bunch packed asparagus which is badly crooked and so marked with the designation "crooks" need not bear any grade classification or size designation terms. When bunches of different grades are packed in one container, the markings on each container shall clearly show the number of bunches of each grade classification or size designation.

If 90 percent, by count, of the stalks of asparagus in any container have less than 50 percent of the length of the stalk white, the containers may be marked with the term "green."

All markings required by this section which are on containers less than one-half the size of standard containers numbers 51 and 52 may be in letters smaller than one-half inch in height; provided, such markings are in plain sight and in plain letters.

SEC. 3. Section 810.52 is added to the Agricultural Code, to read:

Classification by bunches

810.52. Bunches of asparagus classified according to the following designated grades shall contain the number of stalks indicated in each classification and shall weigh not less than two pounds net when packed. Not less than 12 bunches of asparagus so classified may be packed in standard container number 51 or 52.

Colossal, not more than 14 stalks to a bunch.
Jumbo, 15 to 20 stalks to a bunch.
Extra select, 21 to 28 stalks to a bunch.
Select, 29 to 42 stalks to a bunch.
Extra fancy, 43 to 67 stalks to a bunch.
Fancy, 68 to 100 stalks to a bunch.

For the reasons stated in Section 810.5 stalks of asparagus produced in the area south and east of San Gorgonio Pass which are less than 7¼ inches in length when marked with grade classification, shall be classified according to the following designated grades:

Mammoth, not more than 17 stalks to a bunch.
Giant, 18 to 24 stalks to a bunch.
Fancy regal, 25 to 34 stalks to a bunch.
Regal, 35 to 52 stalks to a bunch.
Fancy standard, 53 to 78 stalks to a bunch.
Standard, 79 to 115 stalks to a bunch.

"Crooks" when packed in bunches shall have no more than 67 stalks to a bunch.

Tolerance

The number of stalks of asparagus packed in bunches shall not vary more than 10 percent from the count of the grade classification as marked, except that 10 percent, by count, of the bunches in any one container may exceed this tolerance.

SEC. 4. Section 810.53 is added to the Agricultural Code, to read:

Stalk size classification

810.53. Asparagus classified according to the following size designations shall be graded so as to comply with the individual stalk size requirements:

Jumbo, stalks which are not less than thirteen-sixteenths inch in diameter.

Large, stalks which are not less than seven-sixteenths inch in diameter.

Standard, stalks which are not less than six-sixteenths inch in diameter.

Small, shall consist of asparagus in which more than 10 percent of the stalks are less than six-sixteenths inch in diameter.

"Diameter"

"Diameter" measurement shall mean the widest portion of the cross section measured at the largest point on the stalk.

The size designation requirements as herein established shall apply to all stalks of asparagus in each container, except that in the case of the Jumbo, Large and Standard sizes 10 percent, by count, of the stalks in any container may be smaller than the size designation specified.

SEC. 5. Section 810.54 is added to the Agricultural Code, to read:

Container size

810 54. Asparagus packed in bunches that weigh not less than two pounds per bunch shall be in standard containers as follows:

(a) Bunches in which the stalks are 7¼ inches or longer in length shall be in standard container number 51.

(b) Bunches in which the stalks are less than 7¼ inches in length shall be in standard container number 52.

Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half of an inch in height with the words "irregular container."

CHAPTER 390

An act to amend Section 6509 of, and to add Section 6595 to, the Business and Professions Code, relating to the regulation of barbers.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6509 of the Business and Professions Code is amended to read:

6509. For the purpose of enforcing this chapter, any member of the board or its agents or assistants may enter into and inspect any barber shop or college at any time during business hours or at any time when the practice of barbering or instruction in such practice is being carried on.

Inspections

SEC. 2. Section 6595 is added to said code, to read:

6595. Refusal to permit or interference with an inspection authorized under Section 6509 of this code constitutes a cause for disciplinary action.

Violation

CHAPTER 391

An act to amend Section 23626 of the Water Code, relating to improvement districts in irrigation districts.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 23626 of the Water Code is hereby amended to read:

23626. If the survey shows that the improvements are feasible, the board shall cause to be prepared the following:

Improvements feasible.

(a) Plans and specifications of the improvements proposed to be constructed when the petition proposes the construction of improvements.

Preparation of plans, specifications, estimates of cost, etc

(b) An estimate of the cost of the proposed improvements which may include an amount not in excess of 10 percent of the aggregate cost of the proposed improvements to create a reserve fund to be used and applied as additional security for the payment of principal of and interest on any warrants of the improvement district issued against assessments levied for the payment of the cost of the proposed improvement.

(c) Statement of the proposed assessment for the cost of the proposed improvements apportioned to each tract of land in the proposed improvement district as the tracts appear on the

last equalized district assessment book and to district-owned land in the proposed improvement district whether or not it appears on the last equalized district assessment book, which apportionment shall be according to the benefits that will accrue to each tract by virtue of the proposed improvements.

CHAPTER 392

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

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

Actions to quiet title

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

Limitation

SEC. 2. Any action brought under the provisions of this act shall be commenced within one year from the effective date of this act.

Service of summons

SEC. 3. Service of summons in any such suit shall be made upon the Chairman of the State Lands Commission and Attorney General, and it shall be the duty of the Attorney General to represent the State in such suit.

Description of property

SEC. 4. The real property referred to in Section 1 of this act is described as follows:

All that real property in the County of Napa, State of California, described as follows:

Lots 3 and 4 as shown upon that certain map in partition on file in that certain action heretofore had in the District Court of the Seventh Judicial District, Case No. 1606, wherein W. E. Frisbie et al. were defendants, commonly known as Vallejo Lands, described as follows:

Commencing at a point on the southern line of the Wild Horse Valley Road, distant thereon 22 chains easterly from the point of intersection thereof with the eastern line of Fourth Avenue, said point of commencement being the northeastern corner of Lot 2 as shown on the map above referred to; running thence south 4 degrees west 24 chains to a stake marked 2 and 3 in a mound of stones; thence south 83 degrees east 11 chains to a stake in a mound of stones; thence south 4 degrees west 13.03 chains to a post 4 and 6 in a mound of stones on the line of the Tulocay Rancho; thence east along said line, 14.27 chains to a

post in a mound of stones at the southwestern corner of Lot 5 as shown on the map above referred to, thence north 3¼ degrees east 35.26 chains to a stake 4 and 5 on the southern line of the Wild Horse Valley Road; thence north 83 degrees west; along last mentioned line 24.09 chains to the point of commencement.

Containing 81.81 acres of land more or less.

Excepting therefrom, however, the following:

(a) That certain 10 acres tract of land described in the deed to Ramauldo P. Frisbie of record in Book 102 of Deeds, page 339, of said Napa County records. Exceptions

(b) That portion thereof (lying easterly of the stone fence) including within the land described in the quitclaim deed from U. L. Frisbie et al. to Santina Brignoli of record in Book 261 of Official Records, page 74, said Napa County records.

SEC. 5. The Department of Finance with the approval of the Attorney General is authorized to dispose of any right, title, or interest of the State of California in and to the real property described in this act by quitclaim deed or otherwise. Disposal of State's interest in property

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CHAPTER 393

An act to repeal Section 31553.5 of, and to add Section 31553.5 to, the Government Code, relating to the retirement of county employees.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.] In effect September 9, 1953

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

SECTION 1. Section 31553.5 of the Government Code is hereby repealed. Repeal

SEC. 2. Section 31553.5 is added to said code, to read:

31553.5. Notwithstanding the provisions of Section 31553, any elective officer in office at the time this section takes effect who has not theretofore filed the declaration provided for in Section 31553 may file it at any time prior to March 1, 1954, and any such declaration so filed shall be of full force and effect from and after the date on which it is filed. Filing of declaration

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CHAPTER 394

An act to add Section 3302.3 to the Welfare and Institutions Code, relating to insuring materials and products of the California Industries for the Blind against damage or destruction by fire or water.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.] In effect September 9, 1953

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

SECTION 1. Section 3302.3 is added to the Welfare and Institutions Code, to read:

California Industries for the Blind Insurance of materials and equipment

3302.3. The Department of Education may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof, of the California Industries for the Blind, wherever located, to be insured against any or all risks of loss.

The cost of such insurance shall be paid from the Workshops for the Blind Manufacturing Fund.

CHAPTER 395

An act to amend Section 37902 of the Government Code, relating to municipal contracts.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 37902 of the Government Code is amended to read:

Contract bids on public projects

37902. When the expenditure required for a public project exceeds two thousand dollars ($2,000), it shall be contracted for and let to the lowest responsible bidder after notice.

CHAPTER 396

An act to amend Section 31853 of the Streets and Highways Code, relating to municipal off-street parking facilities.

In effect September 9 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 31853 of the Streets and Highways Code is amended to read:

Contracts for leases and purchases

31853. All contracts for the lease or purchase, or both, of real or personal property shall be made by the legislative body.

CHAPTER 397

An act to add Section 375 to the Education Code, relating to contracts between school districts and county superintendents of schools.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 375 is added to the Education Code, to read:

375. The county superintendent of schools may enter into a contract with the governing board of any district under his jurisdiction for the rendering by him to any district of any service which a county superintendent may provide to any district under Sections 10324, 10506, and 16461 of this code, upon the terms and conditions agreed upon by the superintendent and the governing board.

Services to school districts

CHAPTER 398

An act to amend Section 7686 of the Business and Professions Code, relating to administrative procedure of the State Board of Funeral Directors and Embalmers.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7686 of the Business and Professions Code is amended to read:

7686. The board may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has been found guilty by the board of any of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Licenses Suspension, revocation

CHAPTER 399

An act to amend Sections 176 and 180.7 of the Vehicle Code, relating to vehicle registration and transfer thereof.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 176 of the Vehicle Code is amended to read:

176. Delivery of Certificate. It is unlawful for any person to fail or neglect properly to endorse, date and deliver the certificate of ownership, and when having possession to deliver the registration card to a transferee who is lawfully entitled to a transfer of registration.

Certificate of ownership and registration card Failure to deliver, etc

SEC. 2. Section 180.7 of the Vehicle Code is amended to read:

180.7. When Transferee Need Not Apply for Transfer. When a chattel mortgage or conditional sale contract describing a registered vehicle is satisfied, canceled or released by the parties thereto duly registered as owner and legal owner respectively and thereafter within a period of 10 days a new chattel

Substitute mortgage

mortgage encumbering such vehicle is executed between the same parties no application or applications for transfer of registration by reason thereof shall be made and no new certificate or certificates of ownership or registration card or cards shall be issued, but respecting such transaction all provisions of this code relating to transfers of title to vehicles or of interests therein and the registration of such transfers shall be deemed to have been fully complied with.

CHAPTER 400

An act to amend Section 290 of the Penal Code, relating to registration of sex offenders.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 290 of the Penal Code is amended to read:

Registration of sex offenders

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of any offense defined in Sections 266, 267, 268, 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 this code, or of any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; or any person who since said date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since said date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since said date or at any time hereafter is determined to be a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code; or any person who has been since said date or is hereafter convicted in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Notice of duty to register

Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code shall,

prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Registration. Contents

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

Change of address

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Penalty

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

Records not public

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

CHAPTER 401

An act to amend Section 1262 of the Agricultural Code, relating to produce dealers.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 1262 of the Agricultural Code is amended to read:

1262. This chapter does not apply to or include:

Exemptions

(a) Any nonprofit cooperative association organized and operating under and by virtue of the provisions of Chapter 4, Division 6 of the Agricultural Code of this State or of similar laws of any other state or the District of Columbia or the United States or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or agent, as involves the handling or dealing in the farm products of nonmembers of such organization.

(b) Any person or exchange buying, receiving, or otherwise handling farm products as a processor, as that term is defined in Chapter 9, Division 6, of this code.

(c) Any person or exchange dealing in livestock and operating at a public livestock market and subject to and operating under a bond required by the United States to secure the performance of their obligations.

(d) Any retail merchant having a fixed or established place of business in this State; provided, however, that this exemption of retail merchants shall not be deemed to apply to retail merchants who also sell at wholesale farm products purchased from producers.

(e) Any person licensed as a slaughterer under the provisions of Article 13 of Chapter 2 of Division 3 of this code; provided, however, that the livestock handled by such slaughterer shall be slaughtered at the place of business of the slaughterer; provided further, that any slaughterer who handles livestock upon a consignment basis shall not be exempt from the bonding provisions provided for by this chapter.

(f) Any person buying farm products for his own use or consumption.

(g) Any person, not otherwise required to be licensed under this chapter buying or otherwise acquiring possession of farm products from a nonprofit cooperative association to which any provision of subdivision (a) of this section is applicable.

CHAPTER 402

An act to amend Section 503 of the Elections Code, relating to election precincts.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.] In effect September 9, 1953

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

SECTION 1. Section 503 of the Elections Code is amended to read:

503. Within 10 days after receipt of said maps and/or descriptions, the board of supervisors shall adopt an order creating election precincts as prepared by the surveyor or the county clerk. Election precincts

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CHAPTER 403

An act to amend Section 5503 of the Elections Code, relating to election procedure.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5503 of the Elections Code is amended to read:

5503. The county clerk shall furnish to the election officers: Election officers. Supplies

(a) Original books of affidavits of registration.

(b) Printed copies of the indexes.

(c) Necessary printed blanks for roster and tally lists, tally lists, lists of voters, oath, and returns.

(d) Envelopes in which to enclose returns.

(e) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots on which shall be printed necessary instructions, and the provisions of Sections 5512, 5513, 5560, 5561, 5705, 5706, 5714, 5716, 5718, 5720, 5730, 5731, 5732, 5733, 7003, 7004, 7012, 7014, 7016, 7017, 7018, 11501.

(f) A digest of the election laws with any further instructions the county clerk may desire to make. One copy shall be furnished to each election officer at the time of his appointment.

CHAPTER 404

An act to amend Section 5550 of the Elections Code, relating to the conduct of elections.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5550 of the Elections Code is amended to read:

Declaration

5550. Before opening the polls, each member of the board shall sign a declaration to discharge faithfully the duties of a precinct board officer, before the inspector or before any other of themselves.

CHAPTER 405

An act to amend Section 5553 of the Elections Code, relating to election procedure at the polls.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 5553 of the Elections Code is amended to read:

Marking off names of voters

5553. At all elections the precinct board shall mark on one of the copies of the index posted at or near the polling place, the name of each person who has voted, by drawing a line through his name with a crayon or pencil, and the board shall mark off the names from time to time during the day of election, at least once each hour until 4 o'clock in the afternoon.

CHAPTER 406

An act to repeal and add Section 5700 of the Elections Code, relating to procedure at the polls.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

Repeal

SECTION 1. Section 5700 of the Elections Code is repealed.

SEC. 2. Section 5700 is added to said code, to read:

Name and address of voter

5700. Any person desiring to vote shall announce his name and address in an audible tone of voice, and when one of the precinct election officers finds the name in the register, he shall in a like manner repeat the name and address. The voter shall then write his name and address (or if he is unable to write, shall have the same written for him) on a roster of voters provided for that purpose, whereupon a challenge may be interposed as provided in Article 2, Chapter 2 of this division.

CHAPTER 407

An act to amend Section 5703 of the Elections Code, relating to casting of ballots.

In effect September 9, 1953

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 5703 of the Elections Code is amended to read:

5703. In all cases except in those where the name and address of the voter are written on the roster of voters for him, the election officer, in the presence and view of the bystanders, shall compare the signature of the voter on the roster of voters with the signature of that person on the register and a ballot shall not be given to him until the comparison of signatures has been made. Comparison of signatures

Until the comparison has been made the right of a voter to vote may be challenged. If the challenge is overruled, the election officer shall give the voter a ballot and the voter shall be allowed to vote. Challenge

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CHAPTER 408

An act to amend Section 5709 of the Elections Code, relating to the casting of ballots.

[Approved by Governor April 27, 1953, Filed with Secretary of State April 27, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5709 of the Elections Code is amended to read:

5709. On receiving his ballot the voter shall forthwith retire alone to one of the places, booths or compartments provided to prepare his ballot. Election ballot

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CHAPTER 409

An act to amend Sections 7011 and 7020 of the Elections Code, relating to stringing ballots.

[Approved by Governor April 27, 1953, Filed with Secretary of State April 27, 1953.] In effect September 9, 1953

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

SECTION 1. Section 7011 of the Elections Code is amended to read:

7011. A majority of the precinct board shall endorse upon all ballots rejected for illegality the cause of rejection, sign the endorsement, and place the rejected ballots in the package marked for voted ballots. Rejected ballots

SEC. 2. Section 7020 of said code is amended to read:

7020. The ballots, as soon as all of the names and measures marked on them as voted for are read and verified, shall not thereafter be examined by any person, but shall, as soon as all are counted, be carefully sealed in a strong envelope, each member of the precinct board writing his name across the seal. Voted ballots sealed

CHAPTER 410

An act to add Sections 4786.5 and 4794.5 to the Health and Safety Code, relating to bond elections in county sanitation districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 27, 1953. Filed with Secretary of State April 27, 1953.]

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

SECTION 1. Section 4786.5 is added to the Health and Safety Code, to read:

Bond issue

4786.5. Notwithstanding Section 4786, if prior to the adoption of the resolution calling the election, the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as a health measure, and the fact of such recommendation is stated in such resolution, and such resolution is adopted by a four-fifths vote of the board of directors of the district, then bonds of the district for the amount stated in such resolution may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed.

This section shall remain in effect until March 31, 1954.

SEC. 2. Section 4794.5 is added to the Health and Safety Code, to read:

Second bond election

4794.5. Notwithstanding Section 4794, the district board may call another election to be held within six months after the election which failed, if a petition, signed by electors of the district equal to 15 percent of the number of votes cast in the district for all candidates for Governor at the latest election at which a Governor was elected, requesting that another bond election be called, is filed with the district board.

This section shall remain in effect until March 31, 1954.

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

In certain county sanitation districts elections have been held to authorize the issuance of bonds to finance the construction of sewers and sewage disposal facilities urgently needed in such districts for the preservation of the public health and safety but in some cases the proposition of incurring such indebtedness failed to receive the approval of two-thirds of the voters voting at the election, although receiving approval of the majority of the voters voting thereat. In cases where such improvements are necessary as a health measure the preservation of the public health and safety requires that they be financed immediately. In order to eliminate delay in the

authorization of bonds to finance such improvements and to further assure the financing of such improvements required to preserve the public health and safety it is necessary that this act take effect immediately.

CHAPTER 411

An act to amend Section 7342 of the Business and Professions Code, relating to the qualifications of electrologists.

[Approved by Governor April 27, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7342 of the Business and Professions Code is amended to read:

Examination qualifications

7342. The board shall admit to examination for a certificate of registration and license as an electrologist, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the twelfth grade, or an accredited senior high school, in public schools of this State or its equivalent.

(d) Who has had any one of the following:

(1) Practical training of 500 hours extending over a period of not less than four months, under the immediate supervision of a licensed electrologist, in a licensed school in which the practice is taught.

(2) Instruction, training and practice as a junior electrologist for a period of not less than 12 months, in a licensed cosmetological establishment, under a licensed electrologist.

(3) Holds a valid electrology license issued by a state whose licensing requirements are equal to or greater than California.

(4) Training and practice in electrology for such period as shall be specified by rules of the board.

CHAPTER 412

An act to amend Section 11200 of the Health and Safety Code, relating to exemption of certain narcotics from the provisions requiring prescriptions for the issuance of narcotics.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11200 of the Health and Safety Code is amended to read:

Narcotic exemptions

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing not more than one grain of codeine in one fluid ounce,

or, if a solid or semisolid preparation, in one avoirdupois ounce, without additional narcotics, or to mistura glycyrrhiza compound, N.F. However, the exemptions herein provided do not exempt any person from the provisions of Section 11225 of this division.

CHAPTER 413

An act to add Section 2855 to the Health and Safety Code, relating to pest abatement districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 2855 is added to the Health and Safety Code, to read:

Pest abatement districts. Power to borrow money

2855. The district board may borrow money in any fiscal year, which shall not exceed the anticipated revenue of that fiscal year and which shall be repaid in the same fiscal year. Such money shall be borrowed upon such other terms as the board shall fix; provided, that interest shall not exceed 6 percent, computed annually or semiannually.

The district board may also issue warrants payable upon a future date in the same fiscal year as issued, which shall be evidentiary of the obligation to repay the money so borrowed and interest thereon, and for that purpose such warrant may bear such interest as is fixed by the terms of the agreement to repay.

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 citrus industry of California has suffered great damage from the ravages of armored scale insects, especially "yellow scale." A program for controlling and eradicating this pest has been developed but it requires spot chemical treatment of the infected area immediately upon discovery of the infested trees, followed by two eradicative treatments over the entire cultivated unit or over an area 240 feet out in all directions from the infested trees. The first eradicative treatment must be commenced in April or May, after the blooming of the citrus trees, and the second eradicative treatment must be given not less than 30 days, but not more than 45 days, after the first eradicative treatment; in any event, however, both eradicative treatments must be completed by September of the same year. These treatments are necessary not only to save the crops of the infested citrus trees, but also to prevent the spread of "yellow scale" to uninfested areas. These treatments require an immediate expenditure of funds by pest abatement districts, but it is presently possible to raise this money only by taxation, which funds will not become available before January, 1954.

Therefore, in order for infested areas to be treated this year, this act, which gives pest abatement districts the power to borrow money, and which is necessary for the preservation of the peace, health, and safety of the citizens of this State, must take effect immediately.

CHAPTER 414

An act to amend Section 5093 of the Penal Code, relating to the maximum gross annual production of enterprises subject to the jurisdiction of the Correctional Industries Commission.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5093 of the Penal Code is amended to read:

Maximum gross annual production

5093. No enterprise subject to the jurisdiction of the Correctional Industries Commission as defined in Section 5090, except the manufacture of motor vehicle license plates or similar devices for the State Department of Motor Vehicles, and the production of cotton cloth made from cotton produced and purchased in California for the use of the State or any political subdivision thereof as provided in Sections 2701 and 2703 of this code, shall in any event be conducted beyond the maximum gross annual production provided for in Section 5091 of this code. It is further provided that the gross annual production of any enterprise established by the commission for the production of cotton cloth shall not exceed one million five hundred thousand dollars ($1,500,000) value.

CHAPTER 415

An act to amend Section 2601 of the Penal Code, relating to the right of inheritance of persons sentenced to imprisonment in the state prison for life.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2601 of the Penal Code is amended to read:

Civil rights Inheritance

2601. A person sentenced to imprisonment in the state prison for life is thereafter deemed civilly dead. But the board may restore to such person during his imprisonment such civil rights as the board may deem proper, except the right to act as a trustee, or hold public office, or exercise the privilege of an elector, or give a general power of attorney. This section shall not be construed so as to deprive such person of his right to inherit real and personal property in accordance with the laws of this State.

CHAPTER 416

An act making an appropriation for the support of major construction, improvements, and equipment at the Porterville State Home, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

Appropriation Porterville State Home

SECTION 1. The sum of three million one hundred sixty-seven thousand six hundred dollars ($3,167,600) is hereby appropriated from the Capital Outlay and Savings Fund in the State Treasury for major construction, improvements, and equipment at the Porterville State Home, to be expended under the provisions of the Budget Act of 1952, in accordance with the following schedule:

(a) Construct seven ward buildings and auxiliary facilities	$3,049,000
(b) Equip seven ward buildings	118,600
Total of schedule	$3,167,600

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

The need for seven ward buildings and related equipment at the Porterville State Home is urgent. Working drawings are near completion and, if the money for the construction of the buildings can be made available immediately, between four to six months of time will be saved in the completion of the buildings and a considerable saving in money will result if the projects can be advertised before the end of the current fiscal year.

CHAPTER 417

An act to repeal Article 1 and Article 2 of Chapter 16 of Division 3 of the Probate Code and to add a new Article 1 to Chapter 16 of Division 3 thereof, relating to preliminary distribution of estates.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

Repeal

SECTION 1. Articles 1 and 2 of Chapter 16 of Division 3 of the Probate Code are repealed.

SEC. 2. A new Article 1 is added to Chapter 16 of Division 3 of said code, to read:

Article 1. Preliminary Distribution

Petition for preliminary distribution

1000. When four months have elapsed after the first publication of notice to creditors and upon bond—or with or without bond, as the court determines, when the time for filing or presenting claims has expired and all uncontested claims have been paid or are sufficiently secured by mortgage, or otherwise, but the estate is not in a condition to be finally closed and distributed—the executor or administrator, or any heir, devisee or legatee, or the assignee, grantee or successor in interest of any heir, devisee or legatee, may petition the court for distribution of a legacy, devise or share of the estate or any portion or portions thereof to which he is entitled or a payment on account of the legacies to the heirs, devisees or legatees or any assignees, grantees or successors in interest or where there are priorities, to those of the class or classes having priorities; or, if the decedent was a nonresident and left a will which has been duly proved or allowed in the state of his residence, and it is necessary, in order that the estate or any part thereof may be distributed according to the will, or it is for the best interests of the estate, that any part of the estate in this State should be delivered to the executor or administrator in the state of the decedent's residence, the executor or administrator may petition the court for an order authorizing the delivery of such portion of the estate as the court shall deem safe and proper and for the best interests of the estate, to the executor or administrator in the state of decendent's residence.

The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. Any person interested in the estate or any coexecutor or coadministrator may resist the application.

Distribution Court order

1001. If, at the hearing, it appears that all of the allegations of the petition are true, that the estate is but little indebted and that all inheritance taxes payable in said proceedings have been paid, or that the State Controller, an inheritance tax attorney or an assistant inheritance tax attorney has, in writing, consented to said distribution and the legacy, devise or share of the estate or any portion thereof may be distributed without loss to the creditors or injury to the estate or any person interested therein, the court shall make an order requiring the executor or administrator to deliver the share, or shares, of the estate or such portion or portions thereof as the court may direct, to the person or persons entitled thereto, upon receiving from such person or persons a bond or bonds executed and payable to the executor or administrator, in such sum or sums as the court may designate, conditioned on the payment whenever required of the proportion of the debts due from the estate, not exceeding the amount of the legacy or portions of the estate so ordered to be delivered; or if the time for filing claims has

expired and all claims are paid or sufficiently secured the court may so order distribution with or without bond as it may determine.

Costs

1002. If the application is made by the executor or administrator, the cost of the proceeding must be paid by the estate, excepting that when a partition is necessary the cost of the partition must be apportioned amongst the parties interested in the partition.

If the executor or administrator is not the applicant, the costs must be paid by the applicant, or if there are more than one, must be apportioned amongst them.

Discharge

1003. The delivery in accordance with the order of the court is a full discharge of the executor or administrator in this State, in relation to all property embraced in the order and when the order becomes final it binds and concludes all parties in interest.

CHAPTER 418

An act to amend Sections 360, 361, and 362 of the Probate Code, relating to the probating of foreign wills.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 360 of the Probate Code is amended to read:

Probate of foreign will

360. A will admitted to probate in any other state or country, or established or proved in accordance with the laws thereof, may be offered for probate in the superior court having jurisdiction as determined by Section 301 of this code.

SEC. 2. Section 361 of said code is amended to read:

Filing of foreign order, etc

361. The executor or any person interested in the will may file a copy of the will and of the order or decree admitting it to probate, or other evidence of its establishment or proof in accordance with the laws of the other state or country, duly authenticated or proved, together with his petition for letters. Notice shall be given and the same proceedings had as in the case of an original petition for the probate of a will.

SEC. 3 Section 362 of said code is amended to read:

Admission to probate

362. If it appears from such authenticated order or decree, or if it be otherwise proved in cases in which there is no such order or decree, that the will has been admitted to probate in another state or country, or established or proved in accordance with the laws thereof, and that it was valid according to the law of the place in which the testator was domiciled at the time of his death, or according to the law of this State, it shall be admitted to probate and have the same force and effect as a will first admitted to probate in this State, except as limited by Section 26 of this code, and letters testamentary or of administration with the will annexed shall issue thereon to the petitioner.

CHAPTER 419

An act to amend Section 5091 of the Penal Code, relating to the State Correctional System.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5091 of the Penal Code is amended to read:

5091. The Correctional Industries Commission shall:

Duties of Correctional Industries Commission

(a) Recommend productive industrial and agricultural enterprises in the prisons and institutions under the jurisdiction of the Department of Corrections in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which will serve as means of vocational education as well as of occupation and financial support.

(b) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing any industrial or agricultural enterprise involving a gross annual production of more than twenty-five thousand dollars ($25,000) value, but less than two hundred twenty-five thousand dollars ($225,000) value and authorize or prohibit such action. The Correctional Industries Commission shall determine the gross annual production, within the limit set above, of each new enterprise at the time of its establishment. The annual production so set shall not be increased until a public hearing concerning the proposed increase has been held before the Correctional Industries Commission. It shall be the duty of the commission annually, to adjust the maximum gross annual production value of two hundred twenty-five thousand dollars ($225,000) permitted for each enterprise, the purpose of such adjustment being to keep said limit in balance with changes in population of state institutions and changes in cost of production. Such adjustment shall be made in the following manner:

1. The maximum limitation of two hundred twenty-five thousand dollars ($225,000) shall serve as a base figure as of December 31, 1948, for such computation.

2. The maximum limitation shall be increased or decreased in the same proportion as the population of state institutions shall have increased or decreased in comparison with their population on December 31, 1948.

3. The maximum limitation shall be further increased or decreased in the same proportion as the Wholesale Price Index of the United States Bureau of Labor Statistics shall have increased or decreased in comparison with such wholesale price index as of December 31, 1948.

The maximum gross annual limitation on production as adjusted in accordance with the above formula shall replace and serve in lieu of the two hundred twenty-five thousand dollars

($225,000) limitation until the next annual adjustment is made by the commission. It shall apply to enterprises previously authorized as well as to those authorized during the current period, and such adjustment may be made without public hearing.

"Population of state institutions"

"Population of state institutions," as used in this subsection, is the total number of persons in institutions subject to the jurisdiction of the Department of Corrections under Section 5003 of the Penal Code, the number of persons in institutions subject to the jurisdiction of the Department of Mental Hygiene under Sections 6500 and 7000 of the Welfare and Institutions Code, and the number of persons in institutions subject to the jurisdiction of the Youth Authority under Section 1000 of the Welfare and Institutions Code.

(c) Hold hearings pursuant to Section 5092, and make rules for the conducting of such hearings. However, the commission may, in its discretion, hold public hearings on any subject within its jurisdiction.

CHAPTER 420

An act to amend Sections 53679, 71381, and 71384 of the Government Code and Sections 116d and 116h of the Code of Civil Procedure, relating to a uniform accounting system for, and bank accounts of justice and municipal courts.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 53679 of the Government Code is amended to read:

Deposit of funds of local agency

53679. So far as possible all money belonging to a local agency under the control of any of its officers or employees other than the treasurer or a judge or officer of a justice or municipal court shall, and all money coming into the possession of a judge or officer of a justice or municipal court may be deposited as active deposits in the state or national bank in this State selected by the officer, employee, or judge of the court. Such money is subject to this article except:

(a) Security is not required for deposits pursuant to this section which are insured under any federal law.

(b) Interest is not required on money deposited by a judge or officer of a justice or municipal court.

(c) Interest is not required on money deposited by an officer having control of a revolving fund created pursuant to Chapter 2, Division 3, Title 3.

(d) Interest is not required on money deposited by an officer having control of a special fund established pursuant to Articles 5 or 6, Chapter 2, Division 3, Title 3.

SEC. 2. Section 116d of the Code of Civil Procedure is amended to read:

116d. Such system may provide for bank accounts for each municipal or justice court, in which moneys received by such court may be deposited and disbursed as provided therein, and for such records, reports, and procedures as the State Controller may deem necessary to carry out the purposes of this article. Bank accounts, etc.

SEC. 3. Section 116h of said code is amended to read:

116h. The system established pursuant to this article may provide for the deposit of all moneys collected by municipal and justice courts in the county treasury and for disbursement therefrom and for the audit of such accounts by the county auditor. Deposit, disbursement, etc

SEC. 4. Section 71381 of the Government Code is amended to read:

71381. Such system may provide for bank accounts for each municipal or justice court, in which money received by such court may be deposited and disbursed as provided therein, and for such records, reports, and procedures as the State Controller may deem necessary to carry out the purposes of this article. Bank accounts, etc

SEC. 5. Section 71384 of the Government Code is amended to read:

71384. The system established pursuant to this article may provide for the deposit of all money collected by municipal and justice courts in the county treasury, for disbursement from it, and for the audit of such accounts by the county auditor. Deposit, disbursement, etc

SEC. 6. Sections 4 and 5 of this act become operative only if a new Title 8 is added to the Government Code by enactment of the Legislature at its 1953 Regular Session, and in such case at the same time as said Title 8 takes effect; at which time Sections 116d and 116h of the Code of Civil Procedure are repealed. Effect Stats 1953, Ch 206

CHAPTER 421

An act to add Section 525.3 to the Vehicle Code, relating to the operation of motor vehicles on the highways.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.] In effect September 9, 1953

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

SECTION 1. Section 525.3 is added to the Vehicle Code, to read:

525.3. Certain Vehicles to be Driven in Right Hand Lane. When any vehicle included in Section 515 is being driven on any highway, it shall be driven in the right hand lane for traffic or as close as practicable to the right edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. Vehicles to be driven in right hand lane

CHAPTER 422

An act to add Section 26543 to the Government Code, relating to district attorneys and county counsels.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 26543 is added to the Government Code, to read:

District attorney, etc., as counsel for private plaintiff

26543. A district attorney or county counsel shall not during his incumbency act as counsel for any private plaintiff in any action or proceeding in which a city, district, or political subdivision of the State is a party defendant.

CHAPTER 423

An act to amend Section 114 of, and to add Section 114.5 to, the Business and Professions Code, relating to the reinstatement of licenses of persons serving in the armed forces.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 114 of the Business and Professions Code is amended to read:

Expiration of license, etc., while in armed services

114. (a) Notwithstanding any other provision of this code, any licensee or registrant of any board, commission, or bureau within the department, who permitted his license or registration to expire while serving in any branch of the armed services of the United States during a period of war as defined in Section 114.5 of this code may, upon application, reinstate his license or registration without examination or penalty; provided,

(1) His license or registration was valid at the time he entered the armed services.

(2) That application for reinstatement is made while serving in the armed services, or not later than one year from the date of discharge from active service or return to inactive military status.

(3) The application for reinstatement is accompanied by an affidavit showing the date of entrance into the service, whether still in service, or date of discharge, and the renewal fee for the current license year in which the application is filed is paid.

(b) If application for reinstatement is filed more than one year after discharge or return to inactive status, the applicant, in the discretion of the licensing agency, may be required to pass an examination.

(c) Unless otherwise specifically provided in this code, any licensee or registrant who, either part time or full time, practices in this State the profession or vocation for which he is licensed or registered shall be required to maintain his license in good standing even though he is in military service.

For the purposes in this section, time spent by a licensee in receiving treatment or hospitalization in any veterans' facility during which he is prevented from practicing his profession or vocation shall be excluded from said period of one year.

SEC. 2. Section 114.5 is added to said code, to read:

114.5. As used in Section 114 of this code, "war" means: "War"

(a) Whenever Congress has declared war and peace has not formally been restored.

(b) Whenever the United States is engaged in active military operations against any foreign power, whether or not war has formally been declared.

(c) Whenever the United States is assisting the United Nations, in actions involving the use of armed force, to restore international peace and security.

CHAPTER 424

An act to amend Section 20911 of the Water Code, relating to irrigation districts.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.] In effect September 9, 1953

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

SECTION 1. Section 20911 of the Water Code is amended to read:

20911. The precinct board for the formation election shall be appointed, candidates for the offices of the proposed district shall be nominated, ballots and other supplies shall be provided and the election shall be conducted as nearly as practicable in accordance with the provisions concerning general elections except as to: Election procedure for irrigation districts

(a) Notice of the election.

(b) Nominating petitions, which may be filed with the clerk of the board of supervisors not less than 15 days before the election.

(c) Mailing of sample ballots, which mailing to each voter entitled to vote at the election, as determined by the county clerk, shall be completed at least three whole days before the election.

(d) Other inconsistent provisions in this chapter.

CHAPTER 425

An act to amend Sections 3331 and 3332 of the Welfare and Institutions Code, relating to revolving funds of state institutions for the blind.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 3331 of the Welfare and Institutions Code is amended to read:

Disposition of proceeds from sale of products

3331. All moneys received from the sale of products manufactured in the manufacturing departments of the California Industries for the Blind shall be remitted at least once in every month to the State Treasury for credit to, and shall become part of the California Industries for the Blind Manufacturing Fund.

SEC. 2. Section 3332 of said code is amended to read:

California Industries for the Blind Manufacturing Fund

3332. There is hereby constituted in the State Treasury a permanent revolving fund to be known as the California Industries for the Blind Manufacturing Fund to be administered by the Department of Education. The fund shall be used for the purchase of materials and purchase or rental of equipment needed in the manufacturing, fabricating or assembly of products, and for the payment of salaries of blind workers engaged in such manufacturing, fabricating or assembly at any state training center or industrial workshop for the blind operated under the jurisdiction of the Department of Education. The fund may be used for the payment of other costs of such manufacturing, fabricating and assembly, the cost of administration of the work program and cost of distribution of products.

Transfer of funds

The Controller shall transfer all balances in the revolving funds created by Sections 3259, 3304, and 3304.5 of the Welfare and Institutions Code and the Workshops for the Blind Manufacturing Fund to the California Industries for the Blind Manufacturing Fund, and all other assets and all liabilities of said revolving funds shall be assets and liabilities of the revolving fund herein created.

Money hereafter received from the manufacture, fabrication, assembly or distribution of products at any state training center or industrial workshop for the blind shall be paid to the State Treasurer monthly and shall be credited to the California Industries for the Blind Manufacturing Fund.

Transfer of excess funds

Whenever in the opinion of the Director of Education or the Director of Finance the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section either shall so inform the State Controller and request a transfer of the unneeded balance from the said revolving fund to the General Fund. The Controller is hereby authorized to transfer such balances upon the request of the Director of Finance.

CHAPTER 426

An act to amend Section 2205 of the Education Code, relating to powers of governing boards.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2205 of the Education Code is amended to read:

2205. The governing board of any elementary school district having an average daily attendance of 1,000 or more pupils and an assessed valuation of twenty million dollars ($20,000,000) or more may, and upon petition signed by 25 percent of the heads of families resident in the district, shall call an election to determine whether or not, it shall have the rights, powers, and duties of a city board of education and whether or not the district shall for all purposes be deemed to be a district governed by a city board of education.

Election to determine how district to be governed

Notice and proceedings of the election shall be in accordance with the provisions of this code relating to the election for school trustees, so far as applicable. There shall be elected at the election, to take office if the change in the rights, powers, and duties of the board is approved by majority vote of the qualified electors in the district, two additional members to the board, one to hold office until the first of July next succeeding the election and one to hold office until one year after the first of July next succeeding the election and until the election and qualification of their respective successors who shall hold office for three years. Thereafter, if the change in the rights, powers, and duties of the board is approved, the number of school trustees for the elementary school district shall be five, and they shall be elected in the same manner and for the same term as provided by law for trustees of elementary school districts, except that two trustees may be elected at the same time when the terms of their predecessors terminate in the same year. If the change is approved by a majority vote of the qualified electors of the district, the board shall have the rights, powers, and duties of a city board of education, and the district shall for all purposes be deemed to be a district governed by a city board of education.

Notice and proceedings. Additional board members

If the office of any member of the board becomes vacant prior to the expiration of his term, the vacancy shall be filled by a person appointed by a majority of the remaining members of the board. The person appointed shall serve for the remainder of the unexpired term, except that where the term of office of members of the governing board is three years or more, such appointments shall be for the period ensuing from the date of the appointment until the date for the beginning of the term of office of newly elected members after the next election for members of the board or, if no such election is held within one year after the appointment, such appointments shall be for the

Vacancies

period ensuing from the date of the appointment until the date of certification of newly elected members after the next school district election or city general election whichever comes first. Elections to fill such vacancies shall be for the balance of the unexpired term.

CHAPTER 427

An act to amend Section 7400 of the Business and Professions Code, relating to cosmetology students.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 7400 of the Business and Professions Code is amended to read:

Students Minimum hours of instruction preliminary to rendering service to patrons

7400. In every licensed school of cosmetology, a student for a license as a hairdresser and cosmetician or cosmetologist, after 200 hours of instruction, may engage, in the school and as a student, in work connected with any branch or any combination of the branches of cosmetology taught in the school upon a patron who is paying for service or materials and a student for a license as a manicurist, after 50 hours of instruction, may engage, in the school and as a student, in work connected with manicuring taught in the school upon a patron who is paying for service or materials.

No student may engage in any work upon a patron who is paying for service or materials until he has had the required number of hours of instruction.

CHAPTER 428

An act to amend Section 1590 of the Financial Code, relating to the business of receiving and holding money in escrow and of acting as trustee under deeds of trust.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 1590 of the Financial Code is hereby amended to read as follows:

Lawful to act as escrow holder or trustee under deed of trust

1590. Nothing in this chapter shall make it unlawful for any person or corporation to engage in the business of receiving and holding money in escrow or of acting as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money other than corporate bonds.

CHAPTER 429

An act to amend Section 1362 of the Financial Code, relating to investment of funds of savings banks in district bonds, and declaring the urgency thereof.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect immediately

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

SECTION 1. Section 1362 of the Financial Code is amended to read:

Investment of funds of savings banks

1362. An amount not exceeding in all 10 percent of the bank's savings deposits in revenue securities of any state of the United States and of any city, county, city and county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any such state and of any department, board, agency, or authority of any such state or of any such public corporation; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in revenue securities payable from the income from any one revenue producing property or project or issued by any one public corporation whether issued directly or through a department, board, agency, or authority thereof;

(b) Such revenue securities constitute obligations payable out of the revenues from a revenue producing property owned, controlled, or operated by such state, public corporation, or by a department, board, agency, or authority thereof and are secured by such revenues;

(c) (1) The net income from such property available for the payment of such securities for the five fiscal years next preceding any such investment, shall have averaged at least one and one-tenth times all debt service requirements for principal, interest, and sinking fund of all revenue securities payable only out of the revenues from such property during each of such fiscal years, and for each of such five fiscal years shall have equaled at least all debt service requirements for principal, interest, and sinking fund of such securities, and for the last fiscal year shall have amounted to at least the maximum annual debt service requirement for any fiscal year thereafter on all such securities which were outstanding during such last fiscal year and which will be outstanding in any fiscal year thereafter; and

The gross income from the property, the net income from which is pledged for the payment of such securities, in the last fiscal year prior to such investment was not less than one million dollars ($1,000,000) if located in California, and was not less than five million dollars ($5,000,000) if located elsewhere; and

The issuer is obligated to maintain rates at least sufficient to meet debt service requirements and such obligation is legally enforceable; or

Same

(2) The issuer of the securities is entitled to receive under a legally enforceable contract with a corporation any of the

securities of which are a legal investment for savings banks under Chapter 11 of Division 1 of this code annual payments averaging not less than nine hundred thousand dollars ($900,000) a year commencing with the completion of a project or projects as fixed in the construction contract therefor and continuing during the maximum term for which said revenue securities are to mature; and

The issuer of the securities is obligated to maintain rates to produce revenue, or will receive contract payments, either or both of which will be sufficient to meet debt service requirements and such obligation or contract is legally enforceable;

(d) The public corporation or any department, board, agency, or authority thereof which issues the securities, if existing elsewhere than in California, has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of principal or interest on any of its debts.

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 therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The demands of an ever-increasing population require the rapid development of the water resources of this State. A number of public districts have such developments under way and will be issuing bonds to finance the same prior to the time that laws passed in the 1953 Session would ordinarily become effective. The success or failure of such projects depends upon selling tax-free bonds at low rates of interest. The market for such bonds is limited largely to insurance companies as a result of the low rates of interest and due to the conflicting restrictions of the Financial Code that prevent investment of savings banks funds in such bonds. In order to broaden the market for such bonds and thereby further reduce the rate of interest demanded, it is essential that savings banks be permitted to invest limited amounts in such bonds that have, after investigation by the California Districts Securities Commission, been found to be sound securities for safe investment of savings banks funds.

CHAPTER 430

An act to amend Section 13 of the Municipal and Justice Court Act of 1949 (Chapter 1510 of the Statutes of 1949) and Section 71140 of the Government Code, relating to constables in justice courts.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 13 of Chapter 1510 of the Statutes of 1949 is amended to read:

Sec. 13. The judges of a municipal court and the judges, officers, and attaches of a justice court shall be electors of the judicial district or city and county in which they are elected or appointed; provided, that this requirement shall not affect the right of any person to automatically succeed to an office or position under Sections 2, 3 and 4 of this act; and provided further, that this requirement shall not apply to the incumbent constable of a superseded justice's court, whose residence is in the township in which the superseded court existed but not included in the judicial district as fixed by the board of supervisors, and who succeeds to the office of constable of such court or is elected thereto at the first election of constables under this act or who seeks re-election to such office; and provided further, that this requirement shall not affect the right of any person to be and act as constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs.

Judges, etc., electors of judicial district, etc

No person shall be eligible to the office of judge of a justice court unless he either has been admitted to practice before the Supreme Court of this State or has passed a qualifying examination under regulations prescribed by the Judicial Council; provided, that this requirement shall not apply to the incumbent of a superseded inferior court who succeeds to the office of judge of a justice court or is elected thereto at the first election of judges under this act or who seeks re-election to such office.

Eligibility: Justice court judges

Sec. 2. Section 71140 of the Government Code is amended to read:

71140. The judges of a municipal court and the judges, officers, and attaches of a justice court shall be electors of the judicial district or city and county in which they are elected or appointed. This requirement shall not affect the right of any person to automatically succeed to an office or position pursuant to Sections 71080 to 71083, inclusive, and Sections 71085 to 71090, inclusive, nor the right of any person to be constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs This requirement shall not apply to the incumbent constable of a superseded justice's court, whose residence is in the township in which the superseded court existed but not included in the judicial district as fixed by the board of supervisors, and who succeeds to the office of constable of such court or is elected thereto at the first election of constables under this act or who seeks re-election to such office.

Judges, etc., electors of judicial district, etc

Sec. 3. Section 2 of this act becomes operative only if Title 8 of the Government Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said code takes effect, at which time Section 13 of the Municipal and Justice Court Act of 1949 (Chapter 1510 of the Statutes of 1949) amended by this act is repealed.

Effect Stats 1953, Ch 206

CHAPTER 431

An act to amend Sections 18527, 18935, 18950, 18953, 18974.5, 18975, 19120, 19253, 19302, and 19681 of the Government Code, relating to state civil service.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 18527 of the Government Code is amended to read:

Definitions

18527. "Probationer" means an employee who has probationary status. "Probationary status" means the status of an employee who has been certified and appointed from an eligible list or a promotional list but who has not completed the probationary period provided in this part and by board rule.

SEC. 2. Section 18935 of said code is amended to read:

Ineligibility of applicants

18935. The board may refuse to examine or, after examination, may refuse to declare as an eligible or may withhold or withdraw from certification, prior to appointment, anyone who comes under any of the following categories:

(a) Lacks any of the requirements established by the board for the examination or position for which he applies.

(b) At the time of examination has permanent status in a position of equal or higher class than the examination or position for which he applies.

(c) Is physically or mentally so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment.

(d) Is addicted to the use of intoxicating beverages to excess.

(e) Is addicted to the use of narcotics or habit-forming drugs.

(f) Has been convicted of a felony, or convicted of a misdemeanor involving moral turpitude.

(g) Has been guilty of infamous or notoriously disgraceful conduct.

(h) Has been dismissed from any position for any cause which would be a cause for dismissal from the state service.

(i) Has resigned from any position not in good standing or in order to avoid dismissal.

(j) Has intentionally attempted to practice any deception or fraud in his application, in his examination or in securing his eligibility.

(k) Has waived appointment three times after certification from the same employment list.

(*l*) Has failed to reply within a reasonable time, as specified by the board, to communications concerning his availability for employment.

(m) Has made himself unavailable for employment by requesting that his name be withheld from certification.

(n) Is, in accordance with board rule, found to be unsuited or not qualified for employment.

SEC. 3. Section 18950 of said code is amended to read:

18950. Vacancies in positions shall be filled insofar as possible and consistent with the best interests of the State by promotion from among persons holding positions in lower classes, and appropriate promotional lists shall be established to facilitate this purpose.

Promotional eligibility lists

The board may prescribe conditions under which persons whose names are on appropriate re-employment lists may be permitted to compete in promotional examination and to attain eligibility for appointment.

The board may further prescribe conditions under which eligibility may be transferred from one subdivisional or departmental promotional list to another subdivisional or departmental promotional list or either when such lists are for the same class and have been established as a result of the same examination.

SEC. 4. Section 18953 of said code is amended to read:

18953. By board rule, competition in promotional examinations may be limited to employees and persons whose names appear on appropriate re-employment lists who have or had permanent status, superior qualifications as shown by their performance reports, and service in the class or classes designated by the board as appropriate for promotional purposes.

Competition in promotional exams

SEC. 5. Section 18974.5 of said code is amended to read:

18974.5. Any member of the armed forces who successfully passes any state civil service examination and whose name as a result is placed on an employment list and who within six months after the establishment of the employment list for which such examination was given qualifies for veteran's preference as provided for in Section 18973 shall be allowed the appropriate veterans' credit to the same effect as though he were entitled to said credit at the time of the establishing of such employment list. When and if such person is allowed veterans' credit under this section his name shall be placed on such employment list in accordance with Section 18937 as the employment list stands at the time of qualifying for veterans' credit.

Veterans' credit under Sec 18973

SEC. 6. Section 18975 of said code is amended to read:

18975. In any examinations to establish employment lists in which credits are allowed for experience, periods of service in the recognized military service shall be counted by the board as experience upon a showing by the veteran that such service involved duties and responsibilities of the kind for which credit for experience is being allowed.

Experience credits for military service

SEC. 8. Section 19120 of said code is amended to read:

19120. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on employment lists are not immediately available, make emergency appointments for a period not to exceed 30 working days, in accordance with board rule. Service under emergency appointment shall be credited for purposes of layoff, vacation, sick leave and salary adjustment only if and as provided by board rule.

Emergency appointments

SEC. 9. Section 19253 of said code is amended to read:

Voluntary demotion

19253. Any employee or any appointing power with the concurrence of such employee may request the voluntary demotion of such employee to a vacant position. Such demotion may be permitted by the board after investigation.

If the class to which the demotion is proposed requires qualifications, knowledges, or abilities not measured by the examination for the class from which demotion is proposed, the board may examine the employee for the possession of those additional qualifications, knowledges, and abilities.

On the request of an appointing power, the board may approve the return, to a class in which he formerly served, of an employee who has been demoted voluntarily, if there is satisfactory evidence of his fitness to perform the duties of the higher class.

SEC. 10. Section 19302 of said code is amended to read:

Performance reports

19302. Appointing powers shall prepare performance reports and keep them on file as prescribed by board rule.

The rules shall provide that employees be shown the performance report covering their own service and are privileged to discuss it with the appointing power before it is filed. The extent to which such ratings or performance reports shall be open to inspection by the public shall be prescribed by board rule.

SEC. 11. Section 19681 of said code is amended to read:

Unlawful practices

19681. It is unlawful for any person:

(a) To practice any deception or fraud with regard to his identity in connection with any examination, application, or request to be examined.

(b) To obtain examination questions or other examination material except by specific authorization either before, during, or after an examination or use or purport to use any such examination questions or materials for the purpose of instructing or coaching or preparing candidates for examinations.

(c) To use any unfair means to cause or attempt to cause any eligible to waive any rights obtained under this part.

CHAPTER 432

An act to amend Section 2206 of the Health and Safety Code, relating to mosquito abatement districts.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 2206 of the Health and Safety Code is amended to read:

District Investigation Act of 1933 not applicable

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the

District Investigation Act of 1933. This section shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature and thereafter shall be of no force or effect. Termination date

CHAPTER 433

An act to amend Section 5416 of the Health and Safety Code, relating to sanitary conditions at construction sites.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5416 of the Health and Safety Code is amended to read:

5416. (a) There shall be not less than one water closet for each 20 employees or fractional part thereof working at a construction job site. Water closet

(b) The water closet shall consist of a patented chemical type privy, or a pit privy; provided, however, that a pit privy shall consist of a pit at least four feet deep with a well-constructed shelter, the openings of which shall be flyproofed, and with respect to which adequate sanitary and safe flooring shall be provided. With the approval of the local health officer other types of toilet facilities or modifications of those specified may be allowed.

(c) For the purpose of this section the term construction site shall mean the location on which actual construction of a building is in progress. "Construction site"

(d) A violation of this section shall constitute a misdemeanor. Penalty

CHAPTER 434

An act to amend Sections 11555, 11556 and 11557 of the Health and Safety Code, relating to the regulation and control of narcotics.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.] In effect September 9, 1953

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

SECTION 1. Section 11555 of the Health and Safety Code is amended to read:

11555. It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a narcotic. Possession of opium pipe etc

SEC. 2. Section 11556 of said code is amended to read:

11556. It is unlawful to visit or to be in any room or place where any narcotics are being or have recently been unlawfully smoked or used. Visit

SEC. 3. Section 11557 of said code is amended to read:

Open or maintain place for use

11557. It is unlawful to open or maintain to be resorted to by other persons any place in which narcotics are unlawfully sold, given away, smoked or used.

CHAPTER 435

An act to add Section 10291.6 to the Insurance Code, relating to disability insurance.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 10291.6 is added to the Insurance Code, to read:

Noncancellable policy

10291.6. Insofar as the reduction of any original benefit on account of age of the insured is concerned, a noncancellable policy may be approved if such reduction does not exceed that permitted by Section 10291.5 (b) (9), or if the only such reduction is one having the effect of reducing the limit of the period for which benefits for loss of time resulting from total disability will be paid to a period ending on the date on which the insured's right to continue the policy in force expires and if the policy also provides that such limit shall not in any case be less than 12 months.

CHAPTER 436

An act to amend Section 501 of the Elections Code, relating to election precincts.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 501 of the Elections Code is amended to read:

Maps, etc., of election precincts

501. The surveyor, within 90 days after receipt of a written request therefor from the county clerk, or the county clerk shall divide the county into election precincts and prepare detail maps, exterior descriptions, thereof, or both and such copies as the county clerk may determine.

CHAPTER 437

An act to amend Sections 3944 and 3822 of the Elections Code, relating to ballot forms.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3944 of the Elections Code is amended to read:

3944. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parentheses in small type as follows: "(This number shall be torn off by inspector)"; and one-half inch to the right of this ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above this perforated line shall be printed in blackface lower-case type, at least 12-point in size, and enclosed in parentheses, the following: "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in blackface capital type, at least 12-point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "Mark crosses (+) on ballot only with rubber stamp; never with pen or pencil." Ballot form

Below this direction and midway between it and the next line, shall be printed in blackface capital type at least 12-point in size, and enclosed in parentheses, and, with the first two and the last five words underlined or otherwise made prominent, the following:

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL).

SEC. 2. Section 3822 of said code is amended to read:

3822. On each ballot a perforated line shall extend across the top of the ballot not less than one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left-hand side of the ballot, and above this number shall be printed in parentheses, in small type, as follows: (This number shall be torn off by inspector). One-half inch to the right of this ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot.

CHAPTER 438

An act to amend Section 5809 of the Elections Code, relating to election ballots.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 5809 of the Elections Code is amended to read:

Voted ballots

5809. When a voter has stamped his ballot he shall fold it so that its face is concealed, and hand it to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections.

CHAPTER 439

An act to amend Sections 1364 and 1366 of the Financial Code, relating to legal investments for savings banks.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 1364 of the Financial Code is amended to read as follows:

Investment by savings banks in evidences of indebtedness of corporations

1364. An amount not exceeding in all 10 percent of the bank's savings deposits in evidences of indebtedness of companies incorporated in the United States and, directly or indirectly, engaged in manufacturing, extraction, merchandising or commercial financing; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in such evidences of indebtedness of any one company;

(b) Any unsecured evidences of indebtedness must be issued by a company substantially all of whose property is free of mortgage and shall carry a covenant by the obligor that they will be secured equally with any mortgage bond, except a purchase money mortgage, which may be later issued;

(c) The company is of such size as to attract at least statewide interest in its publicly held securities and its gross income shall have averaged not less than ten million dollars ($10,000,000) and its net income shall have averaged not less than one million dollars ($1,000,000) for the five fiscal years preceding the investment and its gross income was not less than ten million dollars ($10,000,000) and its net income not less than one million dollars ($1,000,000) for at least three of said five fiscal years;

(d) Consolidated current assets are not less than two and one-half times consolidated current liabilities, as shown by the latest published balance sheet; provided, that in any year for which combined federal income and excess profits taxes exceed 40 percent, consolidated current assets shall be not less than three times consolidated current liabilities after deducting from current assets cash and United States Government obligations in an amount not exceeding the amount of federal income and excess profits taxes included in current liabilities and deducting from current liabilities such federal income and excess profits taxes to an amount not exceeding the amount deducted from current assets;

(e) The total consolidated debt of the company including current liabilities and "minority interest" (i.e., any outstanding interest in a subsidiary having a prior claim on the earnings of such subsidiary), as shown on the latest published balance sheet, does not exceed 33⅓ percent of its gross assets less valuation reserves; and

(f) The consolidated annual net income for the five fiscal years next preceding the investment, before deduction of state and federal taxes imposed on or measured by income or profits but after deducting all charges (including reserves, regularly recurring charges for amortization of discount, and expense allocable to funded debt); (1) shall have averaged not less than six times the annual consolidated interest charges existing at the time the investment is made; (2) in at least three of said five fiscal years shall have been at least four times the annual consolidated interest charges for the same year; and (3) for the fiscal year next preceding the investment shall have been not less than six times the consolidated interest charges for such year and not less than six times the annual consolidated charges on the funded debt outstanding at the time of the investment.

SEC. 2. Section 1366 of said code is amended to read as follows:

Investments in bonds and debentures of utility companies

1366. An amount not exceeding in all 10 percent of the bank's savings deposits in the bonds and debentures of gas, electric, or gas and electric companies meeting the requirements of subparagraph (b), in the bonds and debentures of telephone companies meeting the requirements of subparagraph (c), and in the bonds and debentures of water companies meeting the requirements of subparagraph (d); provided:

(a) Of said 10 percent of the bank's savings deposits not more than three-fourths thereof may be invested in bonds and debentures of gas, electric, or gas and electric companies, not more than one-half thereof in bonds and debentures of telephone companies, and not more than one-quarter thereof in bonds and debentures of water companies; and provided, that an amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or 1 percent of its savings deposits, whichever is greater, may not be invested in any of such bonds or debentures issued by any one such public utility company;

(b) Bonds or debentures of a gas, electric, or gas and electric company must be of an issue which originally amounted to not less than one million dollars ($1,000,000) and, if bonds, be secured by a mortgage on substantially all of its physical property, and, if debentures, must be issued by a company substantially all of whose physical property is free of mortgage and must carry a covenant to be secured equally with any mortgage indebtedness, except a purchase money mortgage, subsequently issued, and both bonds and debentures must be issued by a public utility corporation, which

(1) Derives more than 50 percent of its gross operating revenue from the business of supplying electricity, artificial gas, or natural gas or all or any of them, and at least 80 percent of its gross operating revenue from all or any of the public utility businesses enumerated in this section;

(2) Shall have had a gross operating revenue of not less than seven million five hundred thousand dollars ($7,500,000) for its most recent fiscal year;

(3) Has a funded debt not exceeding two-thirds of the value of its physical property as shown by the books of the corporation or by a statement of a certified public accountant issued within one year, which statement may be based upon the books of the corporation, less the amount of any reserves for depreciation, retirement or amortization of such physical property (physical property of a corporation shall include the physical property of a subsidiary corporation if the corporation owns not less than 90 percent of the outstanding voting shares of the subsidiary corporation); and

Same

(4) Shall have had earnings including earnings of subsidiaries mentioned in paragraph (3), available for interest payments, before deduction of state and federal taxes imposed on or measured by income or profits, during four of the five most recent fiscal years and during the most recent fiscal year equal to at least twice the existing annual interest charges on the corporation's total funded debt during such respective fiscal years.

(c) Bonds or debentures of telephone companies must be of an issue originally amounting to at least one million dollars ($1,000,000) and, if bonds, be secured by a mortgage on substantially all of the physical property of the company, and if debentures must be issued by a company substantially all of whose physical property is free of mortgage and must carry a covenant to be secured equally with any mortgage indebtedness, except a purchase money mortgage, subsequently issued, and both bonds and debentures must be issued by a company:

(1) Which during its last fiscal year had gross revenues of at least seven million five hundred thousand dollars ($7,500,000), more than 50 percent of which was derived from owned properties used in furnishing telephone and other communication services and at least 80 percent of its gross revenues from all or any of the public utility businesses enumerated in this section;

(2) Whose funded debt does not exceed two-thirds of the value of its physical property as shown by the books of the corporation or by a statement of a certified public accountant issued within one year, which statement may be based upon the books of the corporation, less the amount of any reserves shown on said statement for depreciation, retirement or amortization of such physical property (physical property of a corporation shall include the physical property of a subsidiary corporation if the corporation owns not less than 90 percent of the outstanding voting shares of the subsidiary corporation); and

(3) Which for four of the five most recent fiscal years and for the last fiscal year had earnings including earnings of subsidiaries mentioned in paragraph (2) available for the payment of interest charges, before deduction of state and federal taxes imposed on or measured by income or profits, at least equal to twice the interest charges on the company's total funded debt during such respective fiscal years.

(d) Water company bonds or debentures must be of an issue originally amounting to at least one million dollars ($1,000,000) and if bonds, be secured by a first mortgage on the company's property, and if debentures, must be issued by a company substantially all of whose property is free of mortgage and must carry a covenant to be secured equally with any mortgage indebtedness, except a purchase money mortgage, subsequently issued, and both bonds and debentures must be issued by a company:

(1) Which is the supplier of substantially all water for domestic use in a community or communities having a population of not less than 25,000; Same

(2) Whose funded debt does not exceed two-thirds of the value of its physical property as shown by the published statement of the company for its next preceding fiscal period, less the amount of any reserves shown for depreciation, retirement or amortization of such physical property (physical property of a corporation shall include the physical property of a subsidiary corporation if the corporation owns not less than 90 percent of the outstanding voting shares of the subsidiary corporation); and

(3) Which for four out of the five most recent fiscal years and for the most recent fiscal year shall have had earnings including those of subsidiaries mentioned in paragraph (2) available for the payment of interest charges, before deduction of state and federal taxes imposed on or measured by income or profits, of at least one and one-half times the interest charges on the company's total funded debt during such respective fiscal years.

The term "funded debt" as used in this chapter means all interest-bearing indebtedness of a corporation not maturing within one year of the date it was incurred.

CHAPTER 440

An act to amend Section 4895 of the Health and Safety Code, relating to sewer maintenance districts.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 4895 of the Health and Safety Code is amended to read:

Annexation of outlying territory

4895. Outlying territory, whether contiguous or not, may be annexed to a district as provided in this article.

CHAPTER 441

An act to add Section 2327 to the Business and Professions Code, relating to the healing arts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 2327 is added to the Business and Professions Code, to read:

Out-of-state physicians and surgeons. Authority to perform professional services on Boy Scouts, etc., in this State

2327. Notwithstanding any other provision of this chapter, any physician and surgeon authorized to practice in any other state is hereby authorized as a matter of comity to perform any professional services that a physician's and surgeon's certificate would permit him to perform if he held such a certificate in this State, upon any boy scouts, scoutmasters, scout leaders, or any person employed by the Boy Scouts of America, while en route within the State of California, and while attending the Third National Jamboree of the Boy Scouts of America, to be held July 17, 1953, to July 23, 1953, on the Irvine Ranch, in Orange County, State of California. In any event, this section shall not be effective before the first day of July, 1953, or after the first day of August, 1953.

Termination date

Urgency

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

The Boys Scouts of America are going to hold their third national jamboree from July 17, 1953, to July 23, 1953, on the Irvine Ranch in Orange County, State of California. It is estimated that approximately 60,000 boy scouts from outside the State of California will attend this jamboree. It is also planned that a medical officer will be provided for each division of 1,320 scouts and it is necessary for the preservation of the public

peace, health and safety that medical officers be in attendance upon each such division. A number of physicians and surgeons from outside the State of California are intending to act as medical officers, and there is no existing reciprocity provision in the Medical Practice Act to permit performance of medical services by such medical officers. Since the jamboree is being held in July, 1953, a regular bill would not become law in time to be effective. It is therefore essential that this act take effect immediately.

CHAPTER 442

An act to amend Section 22616 of the Financial Code, relating to contracts entered into by personal property brokers.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 22616 of the Financial Code is amended to read:

22616. The revocation, suspension, expiration, or surrender of any license does not impair or affect the obligation of any pre-existing lawful contract between the licensee and any borrower.

Revocation, etc., of license does not impair, etc., obligation

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CHAPTER 443

An act to amend Section 22210 of the Financial Code, relating to the withdrawal of an application for a license under the Personal Property Brokers Law.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 22210 of the Financial Code is amended to read:

22210. If the commissioner finds that any applicant does not possess the requirements specified in this article, he shall, upon reasonable opportunity to be heard, deny the application. Upon the denial of an application, or the withdrawal of an application with the consent of the commissioner, the commissioner shall return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the one hundred dollars ($100) investigation fee to cover the costs of investigating the application. The commissioner shall within 60 days from the filing of the application for a license with the fees and the approved bond, either issue a license or file a statement of issues prepared in accordance with the provisions of Chapter 5, Part 1, Division 3, Title 2, of the Government Code.

Denial of application

CHAPTER 444

An act to amend Section 25100 of the Corporations Code, relating to the execution, filing and recording of certificates of general and limited partnership.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 25100 of the Corporations Code is amended to read:

Securities Nonapplicability of Corporate Securities Law

25100. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, or taxing district therein.

(b) Any security issued or guaranteed by any foreign government with which the United States of America is, at the time of the sale or offer of sale thereof, maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized, at the time it is offered or sold in this State, as a valid obligation by the foreign government or by the state, province, or political subdivision thereof issuing it.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the Government of the United States of America pursuant to authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

(d) Any security issued by and representing an interest in or a direct obligation of a state bank, trust company, or savings institution incorporated under the laws of this State.

(e) Any security the issuance of which has been authorized by the Public Utilities Commission of this State or by the Interstate Commerce Commission or by the Federal Power Commission.

(f) Any stock (as defined in the Building and Loan Association Act), issued by a company organized for the purpose of conducting a building and loan association within this State, the issuance of which has been authorized by the Building and Loan Commissioner.

(g) Any shares, investment certificates, or borrowers' membership certificates (as defined in the Building and Loan Association Act) issued by a building and loan association holding

a license then in force issued by the Building and Loan Commissioner.

(h) Any security issued by a company organized for the purpose of transacting an insurance business, the issuance of which is subject to authorization by the Insurance Commissioner.

(i) Any security which has been certified as a legal investment for savings banks and trust companies under the laws of this State.

(j) Any certificate of deposit for any security which has been approved by the California District Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this State. Same

(k) Any security issued under or pursuant to a plan of reorganization which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

(*l*) Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed, and recorded as provided by Sections 15502 and 15525 of the Corporations Code of the State of California, except partnership interests when offered to the public.

(m) Any bona fide joint adventure interest, except such interests when offered to the public.

CHAPTER 445

An act to amend Section 24610 of the Financial Code, relating to contracts entered into by licensees under the California Small Loan Law.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.] In effect September 9, 1953

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

SECTION 1. Section 24610 of the Financial Code is amended to read:

24610. The revocation, suspension, expiration, or surrender of any license does not impair or affect the obligation of any pre-existing lawful contract between the licensee and any borrower. Revocation, etc., of license does not impair obligation

CHAPTER 446

An act to amend Sections 18203 and 18206 of the Financial Code, relating to paid-in and unimpaired capital of an industrial loan company.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 18203 of the Financial Code is amended to read:

Minimum capital stock

18203. The capital stock of any corporation incorporated under this division shall not be less than the following amounts:

(a) Twenty-five thousand dollars ($25,000) when the corporation is transacting business in any city having a population of less than 50,000 inhabitants.

(b) Fifty thousand dollars ($50,000) when the corporation is transacting business in any city having 50,000 or more inhabitants, and less than 100,000 inhabitants.

(c) One hundred thousand dollars ($100,000) when the corporation is transacting business in any city having 100,000 or more inhabitants.

SEC. 2. Section 18206 of said code is amended to read:

Office within five miles of incorporated city

18206. The establishment and operation of an office outside of an incorporated city area within five miles of the city limits of an incorporated city or cities shall require the same minimum capital for the outside office as would be required if the office were located within the incorporated city or cities; provided, that in no event shall an industrial loan company have a paid-in and unimpaired capital of less than twenty-five thousand dollars ($25,000).

CHAPTER 447

An act to amend Section 24210 of the Financial Code, relating to the withdrawal of an application for a license under the California Small Loan Law.

In effect September 9, 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

SECTION 1. Section 24210 of the Financial Code is amended to read:

Denial of application

24210. If the commissioner finds that any applicant does not possess the requirements specified in this chapter, he shall, upon reasonable opportunity to be heard, deny the application. Upon the denial of an application, or the withdrawal of an application with the consent of the commissioner, the commissioner shall return to the applicant the bond and the sum paid by the

applicant as a license fee, retaining the one hundred dollars ($100) investigation fee to cover the costs of investigating the application. The commissioner shall within 60 days from the filing of the application for a license with the fees and the approved bond, either issue a license or file a statement of issues prepared in accordance with the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

CHAPTER 448

An act to amend Section 18006 of the Government Code, relating to the state civil service.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 18006 of the Government Code is hereby amended to read:

Change of residence Expenses

18006. Whenever a state officer or employee is required by the appointing power because of a change in assignment, promotion or other reason related to his duties to change his place of residence necessitating the moving of his household effects, such officer, agent or employee shall receive his actual moving expenses not to exceed four hundred dollars ($400), and the Board of Control may adopt general rules and regulations covering the payment of such expenses.

CHAPTER 449

An act to add Section 102 to, and to amend Sections 301, 311, 452, 626, 628.5, 632, 1701, and 2627 of the Unemployment Insurance Code, relating to unemployment and disability compensation.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code. Chapter 308 of the Statutes of 1953, as required by Section 9762 of the Government Code.

CHAPTER 450

An act to amend Section 6945 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6945 of the Business and Professions Code is amended to read:

Sale or furnishing of collection forms

6945. A licensee shall not print, publish or otherwise prepare for distribution, any system of collection letters, demand forms or other printed matter upon his stationery, or upon stationery upon which the licensee's name appears in such manner as to indicate that a demand is being made by the licensee for the payment of any sum or sums due or asserted to be due, where such forms containing such message are to be sold or furnished to any person, other than the licensee, to be used by such person, at any address different from the address of the licensee as shown on the face of the license.

CHAPTER 451

An act to repeal Section 31007 of the Water Code, to amend and renumber Section 31006 of said code as amended and renumbered by Chapter 1114 of the Statutes of 1949 to be Section 31007 of said code, and to amend Section 31500 of said code, relating to the powers and purposes of county water districts.

In effect September 9 1953

[Approved by Governor April 28, 1953. Filed with Secretary of State April 28, 1953.]

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

Repeal

SECTION 1. Section 31007 of the Water Code is repealed.

SEC. 2. Section 31006 of said code as amended and renumbered by Chapter 1114 of the Statutes of 1949 is amended and renumbered to read:

Fixing rates and charges

31007. The rates and charges to be collected by the district shall be so fixed as to yield an amount sufficient to do each of the following:

(a) Pay the operating expenses of the district.

(b) Provide for repairs and depreciation of works owned or operated by the district.

(c) Pay the interest on any bonded debt.

(d) So far as possible, provide a fund for the payment of the principal of the bonded debt as it becomes due.

It is intended by this section to require the district to pay the interest and principal of its bonded debt from the revenues of the district, except that this requirement is not intended to apply to a bonded debt for sewage disposal purposes.

SEC. 3. Section 31500 of said code is amended to read:

Ordering improvements

31500. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights of way owned by the district, any work or improvement for supplying or distributing an irrigation, domestic, or other water supply or for fire protection, or for collecting, treating, and disposing of sewage, waste, and storm waters, and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any dis-

Assessments

trict to be assessed therefor, which district need not be composed of lands contiguous to each other.

CHAPTER 452

An act to amend Section 575 of the Welfare and Institutions Code, relating to compensation of referees.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 575 of the Welfare and Institutions Code is amended to read:

575. In counties of the first and the third class, such referees shall serve without compensation, save that in each county of the first class having a charter the board of supervisors shall fix the compensation for at least two such referees, and in each county of the third class the board of supervisors shall fix the compensation for at least one referee. In counties of the second class the compensation of each of the two referees shall be six hundred seventy-five dollars ($675) per month.

Compensation of referees

CHAPTER 453

An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Sonoma, State of California, or to reform certain deeds and agreements, and the disposal of any right, title or interest of the State of California therein.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

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

State consent to quiet title and reform deeds and agreements

The deeds and agreements which may be reformed pursuant to this section are described as follows: Executor's Deed made by Monterey County Trust & Savings Bank, a corporation, executor of the last will and testament of Elva E. Hitchcock, Deceased, etc., to State of California, dated August 13, 1934, recorded September 26, 1934 in Book 370 of Official Records, page 208, under Recorder's Serial No. A-52542, Sonoma County Records.

Description of deeds and agreements

Deed made by Jessie Belle Hitchcock and Donna L. Dougherty, to State of California, dated June 28, 1934, recorded September 26, 1934, in Book 368 of Official Records, page 416, Recorder's Serial No A-52543, Sonoma County Records

Agreement made by Jessie Belle Hitchcock and Donna L. Dougherty to California State Park Commission, dated June 28, 1934, recorded September 26, 1934, in Book 371 of Official Records, page 237, Recorder's Serial No. A-52544, Sonoma County Records.

Statute of limitations

SEC. 2. Any action brought under the provisions of this act shall be commenced within one year from the effective date of this act

Summons

SEC. 3. Service of summons in any such suit shall be made upon the Director of Finance, the Director of Natural Resources and Attorney General, and it shall be the duty of the Attorney General to represent the State in such suit.

Description of real property

SEC. 4. The real property referred to in Section 1 of this act is described as follows:

That certain real property situated in Bodega Rancho, Sonoma County, State of California, particularly described as follows:

Beginning at Engineer's Station 758+32.85 P.T. on the Bodega to Jenner Highway as described in deed to the County of Sonoma, recorded in Book 473 of Official Records, page 442, Sonoma County Records; thence from said point south 80° 53′ west 234.3 feet to the true point of beginning of the premises herein described; thence from said true point of beginning north 13° 39′ east, 445.7 feet to a ¾-inch iron pipe; thence north 33° 49′ east 203.9 feet to a point in the westerly edge of said highway; thence along said highway on a curve to the left with a radius of 55 feet from a tangent that bears north 1° 15′ east, a distance of 119.35 feet; thence south 56° 55′ west, 419.2 feet; thence on a curve to the right with a radius of 225 feet a distance of 185.54 feet; thence leaving said highway south 44° 48′ west, 97.20 feet to a ¾-inch iron pipe; thence continuing south 44° 48′ west to the high tide line of the Pacific Ocean; thence southeasterly along high tide line to a point that bears south 13° 39′ west from the true point of beginning of this parcel of land; thence leaving said high tide line north 13° 39′ east to the true point of beginning.

Authority to quitclaim

SEC. 5. The Department of Finance with the approval of the Attorney General is authorized to dispose of, without additional consideration, any right, title, or interest of the State of California in and to the real property described in this act by quitclaim deed or otherwise.

Legislative finding

SEC. 6. The Legislature hereby finds that the above described lands or portions thereof were deeded to the State of California under a mutual mistake of fact, and that the State would be unjustly enriched unless permission to bring such action is granted so that the land may be transferred to the rightful owner.

CHAPTER 454

An act to amend Section 13204 of the Health and Safety Code of California, relating to cleaning and dry cleaning.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.] In effect September 9, 1953

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

SECTION 1. Section 13204 of the Health and Safety Code is amended to read:

13204. "Cleaning" and "dry cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, immersion only, or by a dipping or spraying process, in a volatile, commercially moisture-free solvent, or by the use of a volatile and inflammable product, or a commercially moisture-free solvent of the chlorinated hydrocarbon type, applied either manually or by means of a mechanical appliance or device. Definitions

"Spraying" as used in this section shall not apply to any spotting process.

CHAPTER 455

An act to provide for the transfer of certain documents to the State Lands Commission with respect to sales of tidelands in San Francisco Bay pursuant to Chapter 543 of the Statutes of 1867-68.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.] In effect September 9, 1953

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

SECTION 1. The State Treasurer shall transfer to the State Lands Commission all undelivered deeds to property in his custody pursuant to Section 7 of Chapter 543 of the Statutes of 1867-68, and the commission shall keep and preserve the deeds. Transfer by State Treasurer

SEC. 2. The Secretary of State shall transfer to the State Lands Commission all documents in his custody containing records of payments, whether full or partial, made upon the sales of tideland lots pursuant to Chapter 543 of the Statutes of 1867-68, and the commission shall keep and preserve such documents. Transfer by Secretary of State

CHAPTER 456

An act adding Sections 24.1 and 24.2 to the Construction and Employment Act, relating to allocation of state funds to local agencies for the construction of public works, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 24.1 is added to the Construction and Employment Act, to read:

Reassignment of allocation

Sec. 24.1. Notwithstanding the provisions of Sections 23 and 24 the board may upon its determination that it is in the best interest of the State authorize a local agency to reassign in whole or in part an allocation which has been assigned to such local agency under the provisions of Sections 23 and 24. All of the provisions applicable to or affecting an assignor or assignee in Sections 23 and 24, including the provisions specifying for whose benefit an assignment may be made, shall be deemed applicable in like fashion to a reassignor and reassignee under this section.

SEC. 2. Section 24.2 is added to the act cited in the title, to read:

Transfer of allocation

Sec. 24.2. In the event that for a continuous two-year period prior to the effective date of this section there has not existed any municipal governing body for any city in this State, any unapportioned allocation made to such city by Section 14 is hereby transferred to the county in which such city is located, which transferred allocation shall be in addition to any other allocation said county is entitled to under this chapter. For all purposes of this chapter said transferred allocation shall thenceforth be treated as if it were an original allocation to said county.

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:

Under Section 26 of the Construction and Employment Act, local agencies have only until December 31, 1953, to file applications and only until December 31, 1954, to receive payment with respect to claims made pursuant to said act. It is therefore important in order to expedite the filing of applications and the payment of claims under the Construction and Employment Act that this section go into effect immediately.

In addition it appears that there are some cities which have been without a governing body for several years, and the allocation under Section 14 of this chapter to those cities could be utilized by the counties in which such cities are located.

In order to enable said counties to utilize such allocations at the earliest possible moment it is necessary that this bill go into effect immediately.

CHAPTER 457

An act to amend Sections 1180, 1181 and 1184 of the Civil Code, and Section 179 of the Code of Civil Procedure, relating to officers who may take proof or acknowledgment of instruments.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1180 of the Civil Code is amended to read:

1180. The proof or acknowledgment of an instrument may be made at any place within this State before a justice or clerk of the Supreme Court, a justice or clerk of any district court of appeal or judge of a superior court.

Acknowledgments Before whom

SEC. 2. Section 1181 of the Civil Code is amended to read:

1181. The proof or acknowledgment of an instrument may be made in this State, within the county or city and county in which the officer was elected, or appointed, before either:

1. A clerk of a municipal or justice court;
2. A county recorder;
3. A county clerk;
4. A court commissioner;
5. A notary public.
6. A judge of a municipal or justice court.

SEC. 3. Section 1184 of said code is amended to read:

1184. When any of the officers mentioned in Sections 1180, 1181, 1182, and 1183 are authorized by law to appoint a deputy, the acknowledgment or proof may be taken by such deputy, in the name of his principal.

SEC. 4. Section 179 of the Code of Civil Procedure is amended to read:

179. Each of the justices of the Supreme Court and of any district court of appeal and the judges of the superior courts, shall have power in any part of the State, and every municipal court judge and judge of a justice court shall have power within the county or city and county in which he is elected or appointed, to take and certify:

Acknowledgments, affidavits and depositions Before whom

1. The proof and acknowledgement of a conveyance of real property, or of any other written instrument.
2. The acknowledgement of satisfaction of a judgment of any court.
3. An affidavit or deposition to be used in this State.

CHAPTER 458

An act to amend Section 531 of, and to add Section 531.1 to, the Vehicle Code, relating to the driving too closely of one motor vehicle to another motor vehicle.

In effect September 9, 1953

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 531 of the Vehicle Code is amended to read:

Following too closely

531. Following Too Closely. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the roadway.

SEC. 2. Section 531.1 is added to said code, to read:

Trucks and trailers

531.1. Motor Trucks and Other Vehicles Following Too Closely. The driver of any motor truck, or the driver of any motor vehicle which is drawing or towing any trailer, semitrailer or house trailer upon a roadway outside of a business or residence district, shall keep the vehicle he is driving at a distance of not less than 500 feet to the rear of any motor truck which is preceding it being driven in the same direction and not less than 500 feet to the rear of any motor vehicle drawing or towing any trailer, semitrailer, or house trailer which is preceding it being driven in the same direction. The provisions of this section shall not prevent overtaking and passing nor shall the same apply upon any lane especially designated for use by motor trucks, nor upon a highway with two or more lanes for traffic in each direction, when the vehicles subject to this section are operated in the right hand lane for traffic. This section shall not apply to a passenger vehicle drawing a camping semitrailer or small trailer or other passenger motor vehicle, nor to motor vehicles drawing highway construction or maintenance equipment while being used in highway construction or maintenance work.

Exceptions

CHAPTER 459

An act to amend Section 6047 of the Insurance Code, relating to county mutual insurance.

In effect September 9, 1953

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 6047 of the Insurance Code is amended to read:

Policies Extent of risk

6047. Except as provided in this section, such insurer shall not issue policies to an amount in excess of six thousand dollars

($6,000) on any one risk, whether under one or more policies, without immediately reinsuring the excess amount in some other insurer. Any such insurer having more than ten million dollars ($10,000,000) direct insurance in force as shown by its books may, for each one million dollars ($1,000,000) in excess of ten million dollars ($10,000,000), write five hundred dollars ($500) additional insurance in excess of six thousand dollars ($6,000) on each such risk; provided, however, that any such insurer 90 percent of whose business in force is reinsurance assumed and which has more than ten million dollars ($10,000,000) gross insurance in force may, for each one million dollars ($1,000,000) in excess of ten million dollars ($10,000,000), write five hundred dollars ($500) additional insurance in excess of six thousand dollars ($6,000) on each such risk. Any such insurer issuing nonassessable policies as provided in Section 7015 (c) (3) hereof, may issue policies in accordance with Section 3080 of this code.

CHAPTER 460

An act to amend Sections 5093 and 6013 of, and to add Section 6011.6 to, the Insurance Code, relating to county mutual insurance.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5093 of the Insurance Code is amended to read:

Cancellation by insurer

5093. The insurer may cancel any policy by giving the insured five (5) days' written notice of cancellation with or without tender of excess of paid premium above the pro-rata premium for the expired time, which excess, if not tendered shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand. Such notice may be served in person or by mail, addressed either to the member's last post-office address or, if this is not known, to the address given upon the application which is part of the policy.

SEC. 2. Section 6013 of the Insurance Code is amended to read:

Standard form of policy

6013. The standard form of policy shall be plainly printed. The type shall not be smaller than eight-point and in a style not less legible than Century and subheads shall be in type larger than eight-point and in a style not less legible than Century. The lines of the policy following the countersignature clause shall be numbered consecutively.

SEC. 3. Section 6011.6 is added to the Insurance Code, to read:

Optional provision

6011 6 In lieu of the attestation clause and official signatures in the form as set forth in Section 6010, the standard form policy may show, immediately following the policy provisions, the following:

"In witness whereof, this company has executed and attested these presents; but this policy shall not be valid unless countersigned by the duly authorized secretary of this company at --------.

Secretary President"

CHAPTER 461

An act to amend Section 261g of the Code of Civil Procedure, and to amend Section 69990 and the heading of Article 10, Chapter 5, Title 8, of the Government Code, relating to official reporters of the superior court in and for the State of California.

In effect September 9, 1953

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 261g of the Code of Civil Procedure is amended to read:

Phonographic reporters

261g. In each county, or city and county, having a population of more than 70,000 and less than 100,000 inhabitants, as determined by the federal census taken in 1940, the judges of the superior court in and for such county, or city and county, a majority thereof concurring therein, to assist the court in the transaction of the judicial business of said court, may appoint the following employees:

Phonographic Reporters. The judges of the superior court, a majority concurring, may appoint as many regular official phonographic reporters as necessary to report the proceedings in said court, except that the number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for said court, said reporters to hold office during the pleasure of the judges of said court, a majority concurring. The duties of such official reporters shall be performed as elsewhere defined in this code. Each of said reporters shall receive as full compensation for taking notes in criminal cases in the superior court a monthly salary of five hundred dollars ($500). All other fees of such reporters shall be as elsewhere defined or prescribed in this code. In cases where it is necessary that a pro tem reporter be appointed, such reporter shall be allowed the fees as prescribed elsewhere in this code.

SEC. 2. The heading of Article 10, Chapter 5, Title 8, of the Government Code is amended to read:

Article 10. Official Reporters in Counties With a Population of 70,000 to 100,000

SEC. 3. Section 69990 of said code is amended to read:

69990. In each county with a population of more than 70,000 and less than 100,000, as determined by the 1940 federal census, to assist the court in the transaction of its judicial business, a majority of the judges of the superior court for such county may appoint as many regular official phonographic reporters as necessary to report the proceedings in the court. The number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for the court. The reporters shall hold office during the pleasure of a majority of the judges of said court.

SEC. 4. Sections 2 and 3 of this act become operative only if Title 8 of the Government Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said title takes effect, at which time Section 261g of the Code of Civil Procedure is repealed.

Effect Stats. 1953, Ch. 206

CHAPTER 462

An act to amend Section 1248 of the Code of Civil Procedure, relating to condemnation suits.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1248 of the Code of Civil Procedure is amended to read:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess:

Condemnation proceedings. Findings and assessment

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiffs; and if the benefit shall be equal to the damages assessed under subdivision 2, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value;

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

5 If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle-guards, where fences may cross the line of such railroad; and such court, jury or referee shall also determine the necessity for and designate the number, place and manner of making such farm or private crossings as are reasonably necessary or proper to connect the parcels of land severed by the easement condemned, or for ingress to or egress from the lands remaining after the taking of the part thereof sought to be condemned, and shall ascertain and assess the cost of the construction and maintenance of such crossings;

6 If the removal, alteration or relocation of structures or improvements is sought, the cost of such removal, alteration or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be assessed for each source of damages separately.

8. When the property sought to be taken is encumbered by a mortgage or other lien, and the indebtedness secured thereby is not due at the time of the entry of the judgment, the amount of such indebtedness may be, at the option of the plaintiff, deducted from the judgment, and the lien of the mortgage or other lien shall be continued until such indebtedness is paid.

CHAPTER 463

An act to add Sections 7.5, 7.6 and 7.7 to the Government Code, relating to state boards, commissions, and other bodies, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 7.5 is added to the Government Code, to read:

Deputy department director

7.5. Whenever, by any law, the director of any state department is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, the director may designate a deputy director of that

department holding a position specified in subsection (5) of subdivision (a) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though the director were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. Not more than one director shall be represented by such a deputy at any meeting or session of a board, commission, committee or other governing body. The director so designating such a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the director is responsible for the acts of the deputy performing his official duties as deputy director of the department.

SEC. 2. Section 7.6 is added to the Government Code, to read:

Deputy state officer

7.6. Whenever, by any law, any officer whose office is created by the Constitution is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, such officer may designate a deputy of his office holding a position specified in subsection (5) or subsection (6) of subdivision (a) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though he were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. Not more than one such officer shall be represented by such a deputy at any meeting or session of a board, commission, committee or other governing body. The constitutional officer so designating a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the constitutional officer is responsible for the acts of the deputy performing his official duties as a deputy of the office of the constitutional officer.

SEC. 3. Section 7.7 is added to said code, to read:

7.7. The provisions of Sections 7.5 and 7.6 do not affect or modify in any manner the provisions of Section 7.

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 the urgency are:

The constantly increasing demands of government have resulted in the creation of numerous state boards, commissions, committees, and other state agencies and authorities. Many directors of state departments and constitutional officers have been made members of such bodies and the frequent demands for their presence at the meetings of such bodies is seriously threatening the performance of the regular duties of their offices. In order to permit the state bodies to act with full efficiency, but without interfering with the operation of state

departments and offices, it is necessary that deputies fully acquainted with the affairs of the department or office may be authorized to sit upon such state bodies in the place of their principals. To avoid serious interference with the operation of state business, it is necessary that this act take effect immediately.

CHAPTER 464

An act to amend Section 205.5 of the Agricultural Code, relating to livestock, including provisions for the protection thereof.

In effect September 9 1953

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 205.5 of the Agricultural Code is amended to read:

State Livestock Sanitary Committee

205.5. For the purpose of protecting the agricultural industry of this State and to coordinate livestock sanitary activities within this State and among the several states having common or similar problems in the field of livestock disease prevention, quarantine, eradication or control, there is hereby created a State Livestock Sanitary Committee.

Membership, terms, etc.

Said committee shall be comprised of three members who shall be appointed by the Governor and who shall serve for a term of two years and until their successors are appointed after the expiration of said term. One such member shall be recommended by the director to represent the official livestock sanitary services of the State and the other members shall be representatives of the livestock industry of the State. Any member who is not in the employ of the State shall be compensated at the rate of twelve dollars and fifty cents ($12.50) per diem for each day of official service rendered in behalf of the committee. Each member of the committee shall be allowed necessary traveling and incidental expenses incurred in the discharge of any of his duties under this section.

Functions

The State Livestock Sanitary Committee shall meet periodically with the livestock sanitary officials and/or duly authorized agricultural representatives of the several states and of the Federal Government and with members of any like committee from other states. The members of the State Livestock Sanitary Committee shall cooperate with the director and shall keep both the Governor and the director advised of important and significant developments in phases of work in connection with which the committee is appointed. All matters pertaining to budgetary allotments and fiscal procedures in connection with the work of the committee shall be handled by the department

Termination date

The provisions of this section shall be effective until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature.

CHAPTER 465

An act to amend Section 35951 of the Water Code, relating to California water districts and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.] In effect immediately

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

SECTION 1. Section 35951 of the Water Code is amended to read:

35951. Bonds may be issued for the purposes of acquiring or constructing irrigation, distribution, and drainage works, acquiring the necessary property for these works, acquiring funds to fulfill contractual commitments to carry out the powers and purposes of the district contained in contracts with other agencies, acquiring all or part of the operating funds for the district (the total amount of such funds so acquired not to exceed at any time an amount equal to the total operating costs of the district for a two-year period as estimated by its board), acquiring any property necessary for the purposes of the district and otherwise carrying out the provisions of this division. Purpose of bonds

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

Many districts newly organized under the California Water District Act have entered into contracts with the Bureau of Reclamation for a supply of vitally needed water, and must obtain funds immediately to meet the payments under such contracts if they are to secure a supply of water for this coming irrigation season. It is therefore necessary that this act take effect immediately.

CHAPTER 466

An act to amend Section 28133 of the Government Code, relating to the salaries of county officers.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.] In effect September 9, 1953

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

SECTION 1. Section 28133 of the Government Code is amended to read:

28133. In counties of the thirty-third class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums: Yolo County Salaries

1. The auditor, five thousand five hundred dollars ($5,500) a year. Auditor

District attorney

2. The district attorney, six thousand dollars ($6,000) a year.

Supervisors

3. Each supervisor, three thousand dollars ($3,000) a year for all services performed by him as supervisor and member of the board of equalization. and the use of county automobiles in connection with the performance of official duties

Jurors

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

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 467

An act to add Sections 1764, 1764.2, 1764.3, 1764.4, 1764.5 and 1764 7 to the Insurance Code, relating to surplus line brokers.

In effect September 9, 1953

[Approved by Governor April 29, 1953 Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 1764 is added to the Insurance Code, to read:

Placement with nonadmitted insurers Certificate

1764. A licensed surplus line broker may issue certificates evidencing the placement of insurance with a nonadmitted insurer. Such certificates shall be in the name of such surplus line broker and not in the name of such nonadmitted insurer, and shall contain all of the matters specified in Insurance Code Section 381

SEC. 2. Section 1764.2 is added to the Insurance Code, to read:

Limitations

1764.2. No surplus line broker shall issue such certificate, cause or purport to cause any risk to be insured by a nonadmitted insurer or advise any insured or applicant for insurance that coverage has been or will be obtained from a nonadmitted insurer unless:

(a) He has prior written authority from such nonadmitted insurer to cause such risk to be insured;

(b) He has received advice in the ordinary course of business that such coverage has been obtained; or

(c) A policy of insurance covering the insured for the risk has actually been issued by such nonadmitted insurer and delivered to the insured or his representative.

SEC. 3. Section 1764.3 is added to the Insurance Code, to read:

1764.3. If the surplus line broker acts in reliance on advice received in accordance with Section 1764.2(b), he shall deliver such policy to the insured or his representative, and, if such delivery is not made within 30 days after the date of the issuance of such certificate or upon which the risk has been bound or the insured or applicant has been advised that coverage has been or will be obtained, he shall deliver to the insured either: Delivery of documents

(a) A photostatic copy of evidence that the insurance has been bound or (b) If the nonadmitted insurer is located outside the United States, a cover note, placing slip or similar document evidencing coverage issued or certified to by any broker located outside the United States who actually placed such insurance with the nonadmitted insurer

SEC. 4. Section 1764.4 is added to the Insurance Code, to read:

1764.4 Such prior written authority, policy of insurance or copy of evidence that insurance has been bound must contain authentication by all persons assuming any risk of loss, and, if there is more than one such person, both it and any document issued or certified by the placing broker pursuant to subsection (b) of Section 1764.3 must contain a specification of whether their obligation is joint or several, and if the latter the proportion of the obligation assumed by each such person. Authentication required

SEC. 5. Section 1764.5 is added to the Insurance Code, to read:

1764.5 If insurance results from a transaction in which any provision of Sections 1764.2 to 1764.4 is violated, such insurance is subject to cancellation by the insured or by order of the commissioner. Such cancellation shall be without penalty to the insured. Cancellation

SEC 6. Section 1764.7 is added to the Insurance Code, to read:

1764.7. Any person who violates Sections 1764.2, 1764.3 or 1764.4 is guilty of a public offense and punishable by imprisonment in the state prison for not exceeding five years or in a county jail for not exceeding one year or by fine not exceeding ten thousand dollars ($10,000), or by both. Penalty Misdemeanor or felony

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CHAPTER 468

An act to amend Sections 6070 and 6071 of the Insurance Code, relating to county mutual insurance.

[Approved by Governor April 29, 1953 Filed with Secretary of State April 30, 1953] In effect September 9, 1953

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

SECTION 1. Section 6070 of the Insurance Code is amended to read:

Reinsurance

6070 Any such insurer may accept reinsurance under any agreement for reinsurance between two or more county mutual fire insurers or from any authorized insurer the stock of which is wholly owned by county mutual insurers. In any such case the reinsurance accepted by any one insurer shall not exceed the amount of risk retained by the insurer originating the business.

SEC. 2 Section 6071 of said code is amended to read:

Ceding of reinsurance

6071. Any such insurer may cede reinsurance provided the amount retained by the originating insurer shall be not less than 10 percent nor less than five hundred dollars ($500); provided, however, that the minimum required hereunder shall never exceed six thousand dollars ($6,000).

The applicable provisions of Sections 922.1 to 922.8 inclusive shall govern for the purposes of testing the solvency and preparing the annual statement of the ceding insurer

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CHAPTER 469

An act to amend Section 12351.5 of the Health and Safety Code, relating to purchase and possession of explosives.

In effect September 9, 1953

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 12351.5 of the Health and Safety Code is amended to read:

"Lawful possession of explosive"

12351.5. "Lawful possession of an explosive" as used in this part, means the possession of an explosive

(a) In the course of legitimate blasting operations or in the arts, when authorized by a permit issued pursuant to this section, or

(b) In the course of the business of manufacturing, selling, or transporting explosives, or

(c) By a public agency.

The sheriff of a county, and the board of police commissioners, chief of police, or other head of the police department of any city or city and county, or any person designated by the sheriff, board of police commissioners, chief of police, or other head of the police department, upon proof that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof may issue to such person a permit to purchase, possess, and use explosives for any of the purposes set forth in (a) above and which said permit shall specify the quantity of explosives covered thereby.

Termination date

This section shall remain in effect until the ninety-first day after the final adjournment of the 1955 Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section

and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 470

An act to amend Section 205 of the Revenue and Taxation Code, relating to the veterans' exemption.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 205 of the Revenue and Taxation Code is amended to read:

205. The veterans' exemption is as specified in Section 1¼ of Article XIII of the Constitution.

The following are wars under Section 1¼ of Article XIII of the Constitution:

(a) Revolutionary War, April 19, 1775-January 14, 1784

(b) Second War With England, June 18, 1812-February 17, 1815.

(c) Black Hawk War, April 6, 1832-August 2, 1832.

(d) War With Mexico, April 24, 1846-May 30, 1848.

(e) Civil War, April 18, 1861-August 20, 1866.

(f) War With Spain, April 21, 1898-April 11, 1899.

(g) War in Philippines, April 11, 1899-July 4, 1902

(h) Chinese Relief Expedition, June 20, 1900-May 15, 1901.

(i) Campaign against the Rogue River, Yakima, Nez Perce, and Snake Indians in Oregon and Washington, 1855-1856

(j) Campaign against the Indians in southern Oregon and Idaho and northern California and Nevada, 1865-1868

(k) Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, 1867-1869.

(*l*) Modoc War, 1872-1873.

(m) Campaign against the Apaches in Arizona, 1873.

(n) Campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico, 1874-1875.

(o) Campaign against the Northern Cheyennes and Sioux, 1876-1877.

(p) Nez Perce War, 1877.

(q) Bannock War, 1878.

(r) Campaign against the Northern Cheyennes, 1878-1879

(s) Campaign against the Ute Indians in Colorado and Utah, September, 1879-November, 1880.

(t) Campaign against the Apache Indians in Arizona, 1885-1886.

(u) Campaign against the Sioux Indians in South Dakota, November, 1890-January, 1891.

(v) War With Germany-Austria, April 6, 1917-November 11, 1918.

(w) Campaign against the Apache Indians in Arizona, 1895-1896.

(x) World War II, December 7, 1941, to January 1, 1947.

(y) Campaign against the North Koreans and Chinese Communists in Korea, June 27, 1950, to a date to be fixed by proclamation of the Governor signifying the termination of said campaign.

Campaigns.

The following are campaigns under Section 1¼ of Article XIII of the Constitution:

(a) First Nicaraguan campaign.

(b) Second Nicaraguan campaign.

(c) Yangtze River campaign in China

(d) All other campaigns for service in which a medal has been issued by the Congress of the United States.

CHAPTER 471

An act to add Section 18802.1 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 18802.1 is added to the Revenue and Taxation Code, to read:

Corporation informational return

18802.1. Any corporation allocating amounts as patronage dividends, rebates, or refunds (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) shall render a correct return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, stating (A) the name and address of each patron to whom it has made such allocations amounting to one hundred dollars ($100) or more during the calendar year, and (B) the amount of such allocations to each patron. If required by the Franchise Tax Board, any such corporation shall render a correct return, which shall contain or be verified by a written declaration that it is under penalties of perjury, of all patronage dividends, rebates, or refunds made during the calendar year to its patrons. This section shall not apply in the case of any corporation exempt from tax under Article 1 of Chapter 4 of the Bank and Corporation Tax Law.

Exception

Current expenses

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.

SEC. 3. 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, 1952, 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. Effect Intent

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CHAPTER 472

An act to amend Section 25663a of the Revenue and Taxation Code, relating to taxation of corporations, banks, associations and Massachusetts or business trusts, and providing that this act shall take effect immediately.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.] In effect immediately

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

SECTION 1. Section 25663a of the Revenue and Taxation Code is amended to read:

25663a. If any taxpayer agrees with the United States Commissioner of Internal Revenue for an extension, or renewals thereof, of the period for proposing and assessing deficiencies in federal income tax for any year, the period for mailing notices of proposed deficiency tax for such year shall be four years after the return was filed or six months after the date of the expiration of the agreed period for assessing deficiencies in federal income tax, whichever period expires the later. Notice of deficiency

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. Current expenses

SEC. 3. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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. Effect Intent

CHAPTER 473

An act to amend Sections 26131, 26132 and 26191 of the Revenue and Taxation Code, relating to taxation of banks, corporations, associations and Massachusetts or business trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 30, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 26131 of the Revenue and Taxation Code is amended to read:

Withholding tax

26131. The Franchise Tax Board may, by regulation, require any bank, corporation or person, or any officer or agency of the State or any political subdivision or agency of the State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State to withhold from payments of interest, other than interest coupons payable to bearer, dividends, rent, prizes, winnings, and compensation for services, including bonuses, the following amounts:

(a) If the payee is subject to the tax imposed under Chapter 2, a percentage equal to the rate of tax measured by income imposed by this part on the payee, or

(b) If the payee is subject to the tax imposed under Chapter 3, an amount equal to the tax that would be imposed by this part upon such payments if they, together with all similar payments since the beginning of the calendar year, represented net income of the payee;

and to transmit the amounts withheld to the Franchise Tax Board at such time as it may designate. Any bank or person failing to withhold from any payments and transmit to the Franchise Tax Board any amounts required by such regulation to be withheld and transmitted is liable for any taxes due from the taxpayer to which the payments are made for the year in which made to an extent not in excess of the amounts required to be withheld, unless it is shown that the failure is due to reasonable cause.

SEC. 2. Section 26132 of the Revenue and Taxation Code is amended to read:

26132. The Franchise Tax Board may by notice, served personally or by registered mail, require any bank, corporation or person, and any officer or department of the State or any political subdivision or agency of the State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, having in their possession, or under their control, any credits or other personal property or other things of value, belonging to a taxpayer to withhold, from such credits or other property the amount of any tax, interest or penalties due from the taxpayer under this part and to transmit the amount withheld to the Franchise Tax Board at such times as it may designate. Any bank, corporation or person fail-

ing to withhold the amounts due from any taxpayer and transmit the same to the Franchise Tax Board after service of such a notice shall be liable for such amounts.

SEC. 3. Section 26191 of the Revenue and Taxation Code is amended to read:

26191. A warrant may be issued by the Franchise Tax Board for the collection of any tax, interest or penalty and for the enforcement of any lien, directed to any sheriff, constable or marshal. The warrant shall have the same force and effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same force and effect as a levy of and sale pursuant to a writ of execution. The Franchise Tax Board shall pay or advance to the sheriff, constable or marshal, the same fees, commissions and expenses in connection with services pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution; provided, that fees for publication in a newspaper shall be subject to approval by the Franchise Tax Board rather than by the court. Such fees, commissions and expenses shall be an obligation of the taxpayer and may be collected from the taxpayer by virtue of the warrant or in any other manner provided in this part for the collection of a tax. Collection warrant

SEC. 4 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. Current expenses

SEC. 5. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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. Effect Intent

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CHAPTER 474

An act to amend Section 25403 of, and to renumber Section 25404 of, and to add Sections 25401a and 25404 to, the Revenue and Taxation Code, relating to taxation of banks, associations, corporations, and Massachusetts or business trusts, and providing that this act shall take effect immediately.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.] In effect immediately

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

SECTION 1. Section 25401a is added to the Revenue and Taxation Code, to read:

Date of assessment, payment etc

25401a. In the event that taxes, interest and penalties have been or shall be assessed against, paid by or collected from a corporation under Chapter 2 of this part, which assessment, payment or collection should have been made under Chapter 3 of this part, such taxes, interest and penalties shall be considered as having been assessed, paid or collected under Chapter 3 of this part as of the date or dates they were made.

SEC. 2. Section 25403 of the Revenue and Taxation Code is amended to read:

Returns

25403. Every return required by this part to be filed with the Franchise Tax Board shall be signed by the president, or other principal officer and the treasurer or chief accounting officer, of the taxpayer and contain or be verified by a written declaration that it is made under the penalties of perjury.

In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of a bank or corporation, such receivers, trustees, or assignees shall make returns for such bank or corporation in the same manner and form as such a bank or corporation is required to make a return.

SEC. 3. Section 25404 of the Revenue and Taxation Code is renumbered to read:

Return forms

25405 Blank forms of returns shall be furnished by the Franchise Tax Board on application, but failure to secure such a form shall not release any taxpayer from the obligation of making a return hereunder.

SEC. 4. Section 25404 is added to the Revenue and Taxation Code, to read:

Collection of deficiencies

25404. Any tax due on the basis of returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the bank or corporation of whose business or property they have custody and control.

Current expenses

SEC. 5. 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.

Effect

SEC. 6. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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.

Intent

CHAPTER 475

An act to amend Section 981.15 of the Military and Veterans Code, relating to educational benefits for veterans.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 981.15 of the Military and Veterans Code is amended to read:

981.15. "Suitable institutions of learning," as used in this article, includes postgraduate schools of colleges, universities, or other institutions of learning, but does not include educational institutions whose enrollment of students receiving federal or state veteran subsidy exceeds 85 percent of their total enrollment.

"Suitable institutions of learning"

CHAPTER 476

An act to amend Sections 2071, 2072, 2095 and 3010 of the Financial Code, relating to the merger of banks and trust companies and the transfer of trust business upon the merger, consolidation or sale of banks.

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2095 of the Financial Code is amended to read as follows:

2095. Whenever: (a) a national banking association authorized and qualified to conduct a trust business in this State has been heretofore or is hereafter created by the conversion of a state bank likewise authorized and qualified; or (b) a state bank likewise authorized and qualified has been heretofore or is hereafter created by the conversion of a national banking association likewise authorized and qualified; or (c) one or more national banks likewise authorized and qualified has been heretofore or is hereafter merged or consolidated with one or more other national banking associations likewise authorized and qualified; or (d) one or more state banks likewise authorized and qualified consolidate with or merge into one or more national banking associations likewise authorized and qualified, or (e) one or more national banking associations likewise authorized and qualified consolidate with or merge into one or more state banks likewise authorized and qualified; or (f) a national banking association authorized and qualified to conduct a trust business in this State purchases or has purchased the trust business and assets of another national banking association or of a bank organized under the laws of this State, the resulting

Succession to rights, duties, etc.

or surviving state bank or national banking association, or the purchasing national banking association, as the case may be, ipso facto and by operation of law and without further transfer, substitution, act, or deed succeeds to the rights, obligations, properties, assets, investments, deposits, demands, agreements, and trusts of the former or selling state bank or national banking association under all trusts, executorships, administrations, guardianships, agencies, and under all other fiduciary or representative capacities to the same extent as though it had originally assumed the same and succeeds to and is entitled to take and execute the appointment to all executorships, trusteeships, guardianships, and other fiduciary or representative capacities to which the former or selling state bank or national banking association, as the case may be, is or may be named in wills, whenever probated, or to which the former or selling state bank or national banking association is or may be named or appointed by any other instrument.

SEC. 2. Section 2071 of the Financial Code is amended to read:

Approval by Superintendent of Banks

2071. Any agreement for the merger or consolidation of two or more banks or trust companies and any certificate executed pursuant to Section 4124 of the Corporations Code pertaining to such merger or consolidation shall have the approval of the superintendent endorsed thereon before the same is filed with the Secretary of State.

SEC. 3. Section 2072 of the Financial Code is amended to read:

When effective

2072. When any agreement for consolidation or any agreement for merger or any certificate of ownership has been filed with the Secretary of State with the approval of the superintendent endorsed thereon, a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not until, such filing the merger or consolidation shall be and become effective for all purposes. In the case of a consolidation, the superintendent, thereupon, and as of the hour and day of such filing, shall issue his certificate authorizing the consolidated bank or trust company to engage in the commercial banking, savings banking, or trust business or some or all of such businesses, as the case may be; and, in the case of a merger, if the surviving corporation acquires additional powers by such merger, the superintendent shall issue to it his certificate authorizing it to engage in the commercial banking, savings banking, or trust business or some or all of such businesses, as the case may be.

SEC. 4. Section 3010 of the Financial Code is amended to read:

Certificate

3010 Whenever: (a) a sale of the whole of the business of any bank authorized to engage in the trust business, or of the trust department of any bank or of any branch office of any bank has been completed; or (b) two or more state banks, one or more of which is authorized to engage in the trust business, are consolidated or merged; or (c) one or more national banks,

one or more of which is authorized to engage in the trust business, are consolidated with or merged into a state bank, the superintendent, upon request, shall issue under his official seal a certificate in writing duly acknowledged by him in substantially the following form:

Form

"State Banking Department

State of California }
City and County of San Francisco } ss.

I, _____, Superintendent of Banks of the State of California, do hereby certify (1) that _____ has purchased (the whole of the business, or the whole of the business of the _____ department, or the whole of the business of the _____ department of the _____ branch or the whole of the business of the _____ branch, as the case may be) of _____ bank, and that the agreement of purchase and sale as approved by me on _____ has been filed in my office; or (2) that _____ bank has been created by the consolidation of _____ bank and _____ bank and that the agreement of consolidation certified to by the Secretary of State was filed in my office at _____ o'clock on _____ _____, _____; or (3) that _____ bank has merged into the _____ bank and that the agreement of merger or certificate of ownership certified to by the Secretary of State was filed in my office at _____ o'clock on _____ _____, _____; and I do further certify that the (purchase and sale) (consolidation) (merger) above referred to has been approved by me in the manner required by law and that such (purchase and sale) (consolidation) (merger) has been fully completed and consummated.

Given under my official seal this _____ day of _____, 19____.

_____, Superintendent of Banks."

Recordation

The recordation of such certificate in the office of the recorder of any county shall be to all persons constructive notice that all of the rights, benefits, privileges, duties, and obligations of whatever kind or nature held or possessed by or imposed upon the bank so selling its business and assets or that has expired by such consolidation or by such merger are retained by and imposed upon the successor bank.

Prima facie evidence

Such certificate shall be prima facie evidence in all courts and places of the regularity of the proceedings taken and of the fact of such sale, consolidation, or merger.

CHAPTER 477

An act to amend Section 3513 of the Financial Code, relating to investment of stock of corporations engaging in international banking.

In effect September 9, 1953

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. Section 3513 of the Financial Code is amended to read:

Investments in corporate stock

3513. Any bank may invest in the stock of any corporation organized under the provisions of this chapter, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this chapter and Article 2 of Chapter 4 of this division shall not exceed 10 per centum of the subscribing bank's capital and surplus.

CHAPTER 478

An act to add a chapter heading to Division 1 of the Financial Code, relating to prohibited practices by banks and penalties therefor.

In effect September 9, 1953

[Approved by Governor April 29, 1953. Filed with Secretary of State April 30, 1953.]

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

SECTION 1. A chapter heading is added to Division 1 of the Financial Code, immediately following Section 3241 of said code, to read:

CHAPTER 18. PROHIBITED PRACTICES AND PENALTIES

CHAPTER 479

An act to amend Section 411 of the Education Code, relating to the salary of county superintendents of schools.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 411 of the Education Code is amended to read:

County Superintendent of Schools of Kern County Salary

411. The annual salary of the county superintendent of schools of a county of the eleventh class is twelve thousand dollars ($12,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 480

An act to amend Section 14075 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 14075 of the Health and Safety Code is amended to read:

14075. The district board shall purchase and maintain all necessary and convenient engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department, may purchase and maintain ambulances, may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitations, and shall appoint fire company officers and employees sufficient to maintain and operate equipment purchased or otherwise acquired for such district.

Powers and duties

The board is authorized, but not required, by resolution thereof, to provide for payment to each officer and employee of such fire department in a reasonable sum for each fire or drill attended by such officer or employee, and for attendance of district officers and employees at professional or vocational meetings, and payment of reasonable expenses therefor, including transportation to and from such meetings.

CHAPTER 481

An act to amend Section 710 of the Code of Civil Procedure, relating to the enforcement of judgments against debtors to whom money is owed by public agencies.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 710 of the Code of Civil Procedure is amended to read:

710. (a) Whenever a judgment for the payment of money is rendered by any court of this State against a defendant to whom money is owing and unpaid by this State or by any county, city and county, city or municipality, quasi-municipality or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

Filing abstract of judgment, etc.

1. If such money, wages or salary is owing and unpaid by this State to such judgment debtor, said judgment creditor

With State

shall file said abstract or transcript and affidavit with the state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission presents the claim of such judgment debtor therefor to the State Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact that the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

With city or county

2. If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

Filing fee

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents ($2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor.

Condemnation proceedings

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk

of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

Identification of debtor

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

Limitation

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to any elective officer of this State whose salary is fixed by Section 19 of Article V of the State Constitution.

Deposit of collected fees

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which payments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

CHAPTER 482

An act to amend Sections 60102, 60103, 60200, 60201, 60227, 60613, 60621, 60656, 60672, 60673, 60683, 60757 of, and to add Sections 60108, 60613.1, 60626.6, 60670, 60671.2 and 60736 to the Government Code, relating to community services districts, declaring the urgency hereof, to take effect immediately.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect immediately

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

SECTION 1. Section 60102 of the Government Code is amended to read:

Formation petition

60102. The petition for formation shall: (a) state the proposed name for the district, (b) set forth the boundaries of the district or describe the lands situated therein, (c) request that a district be formed under the Community Services District Law, (d) state for which of the purposes set forth in Section 60600 of this division the district is to be formed; and (e) state the number of members, either three or five, which the board of directors of the district shall have.

SEC. 2. Section 60103 of said code is amended to read:

60103. The petition shall be signed by registered electors within the proposed district equal in number to at least 10 percent of the number of votes cast in the proposed district at the general election next prior to the filing of the petition

SEC. 3. Section 60108 is added to said code, to read:

Name

60108. The name of the district need not include "community services district," but any other name may be used.

SEC. 4. Section 60200 of said code is amended to read:

Board members

60200. Each district shall have a board of three or five directors, as stated in the petition for formation, all of whom shall be elected at large.

SEC. 5. Section 60201 of said code is amended to read:

Terms and election

60201 The directors first elected upon the formation of the district shall classify themselves by lot so that the term of office of one of them shall be until the election and qualification of a successor at the first succeeding general district election, and the term of office of two of them shall be until the election and qualification of successors in the second succeeding general district election; provided, that if five directors are first elected on formation of the district they shall classify themselves by lot so that the terms of office of two of them shall be until the election and qualification of successors at the first succeeding general district election, and the terms of office of three of them shall be until the election and qualification of successors in the second succeeding general district election.

SEC. 6. Section 60227 of said code is amended to read:

Ordinance Enacting clause

60227. The form of enacting clause of all ordinances passed by the board shall be: "Be it ordained by the board of directors of _____ District as follows:".

SEC. 7. Section 60613 of said code is amended to read:

Incurring indebtedness

60613. A district may borrow money and incur or assume indebtedness and it may issue bonds or other evidences of such indebtedness; provided, however, that no district shall incur any funded indebtedness, except revenue bonds issued pursuant to Section 60613.1, which shall in the aggregate exceed 20 percent of the assessed valuation of all real and personal property situated within the district. The limitation of this section applies only to indebtedness which is to be paid by an ad valorem tax on real property.

SEC. 8. Section 60613.1 is added to said code, to read:

Revenue bonds

60613.1. Notwithstanding any other provision of this division, a district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title

5 of this code to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes specified in Section 60600 for which such district has been formed or which it shall have adopted pursuant to Section 60601. "Enterprise" as used in this section means a revenue producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes specified in Section 60600. Revenue bonds issued and sold pursuant to this section shall not constitute "funded indebtedness" of the district as that term is used in Section 60613 and the limitations of Section 60613 shall not apply to revenue bonds issued pursuant to this section. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of such bonds shall remain outstanding, a district may exercise, in addition to the powers conferred by this section, any or all of the powers of local agencies provided for in said Chapter 6, Part 1, Division 2, Title 5 of this code.

"Enterprise"

SEC. 9. Section 60621 of said code is amended to read:

60621. A district may prescribe, revise and collect rates or other charges for the services and facilities furnished by it, and may pledge, place a charge upon, contribute or otherwise make available, as security or additional security for the payment of any revenue bonds issued by the district pursuant to Section 60613.1 any and all revenues received or receivable from any services or facilities furnished by it, including the services or facilities of any enterprise as said term is defined in Section 60613.1.

Collection of rates and charges

A district may provide that charges for any services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, and that all charges shall be billed upon the same bill and collected as one item. If all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered.

A district may provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the local agency determines.

A district may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

Penalties

SEC. 10. Section 60626.6 is added to said code, to read:

60626.6. Whenever a district formed under this division acquires a private utility engaged in furnishing services to consumers, or any existing improvement or facility used for such purposes, it shall assume the obligation of the private utility to serve such consumers and their successors in interest both inside and outside the boundaries of the district.

Acquisition of private utility

SEC. 11. Section 60656 of said code is amended to read:

Description of portion of district to be benefited

60656 If the board determines that the whole of the district will not be benefited, the resolution shall also describe the portion of the district which will be benefited, in a manner sufficient for identification, which portion of the district described in the resolution shall thereupon constitute and be known as "Improvement District No. _____ of _____ District."

SEC. 12. Section 60670 is added to said code, to read:

Vote requirements for bond issues

60670. Notwithstanding any other provision of this division, a majority vote shall be sufficient to authorize the issuance of revenue bonds, and a two-thirds vote shall be required only for the issuance of general obligation bonds.

SEC. 13. Section 60671.2 is added to said code, to read:

Validity proceeding

60671.2. Prior to the issuance of any bonds, the legislative body may commence a special proceeding in the superior court of the county to determine the right to issue the bonds and their validity. The proceeding shall be instituted and prosecuted in the manner provided by Sections 22670 to 22684, inclusive, of the Water Code These sections apply to and govern all such proceedings instituted pursuant to this part. The proceeding is in rem and the judgment rendered is conclusive against all persons, the city, and the State

SEC. 14. Section 60672 of said code is amended to read:

Sale of bonds

60672. The district may sell the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale once, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district. 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 board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

SEC. 15. Section 60673 of said code is amended to read:

Force, etc., of bonds

60673. Any bonds issued by any district organized under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State.

All bonds issued by any district payable from taxes are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State.

All revenue bonds issued by any district are subject to investigation by the Districts Securities Commission and, if certified by said commission, pursuant to Division 10 of the Water Code, are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be

invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State.

SEC. 16. Section 60683 of said code is amended to read:

60683. Callable bonds may be redeemed on any interest payment date prior to their fixed maturity in such amounts and manner and at such prices as the board may prescribe in the resolution provided for in Section 60681.

Redemption of callable bonds

SEC. 17. Section 60736 is added to said code, to read:

60736. Notwithstanding the provisions of Sections 60730 to 60735, inclusive, the board may, in a resolution relating to the issuance of revenue bonds, designate a trustee, fiscal agent or depositary to receive the proceeds of sale of said revenue bonds or all or a part of any revenues received or to be received by the district from any enterprise of the district or from any services or facilities furnished or to be furnished the district, all as set forth in such resolution; and in such event Sections 60730 to 60735, inclusive, shall not apply to said proceeds of sale of said bonds or to said revenues, and the trustee, fiscal agent or depositary so designated shall receive, hold and disburse said proceeds of sale of said bonds or said revenues upon such terms and conditions as shall be provided in said resolution, which shall prescribe the duties and powers of such trustee, fiscal agent or depositary. Any such trustee, fiscal agent, or depositary shall be a bank or trust company qualified to do business in the State.

Trustee, etc., of revenues

SEC 18. Section 60757 is amended to read:

60757. The said auditors must then compute and enter in a separate column in the assessment book or assessment books, to be headed "_____ district tax" the respective sums in dollars and cents or dollars or cents to be paid as a district tax on the property therein enumerated and assessed as being in the district, using the rate or rates of levy so fixed by the board and the assessed value as found in such assessment books.

Assessment book entry

SEC. 19. 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

The rapid growth of surburban areas has made it essential that facilities be provided to preserve the public peace, health and safety within such areas In order to enable such suburban areas to organize into districts to furnish these facilities, it is necessary that this act take effect immediately.

CHAPTER 483

An act to amend Section 3014.5 of the Civil Code, relating to definition of trust receipts transaction.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 3014.5 of the Civil Code is amended to read as follows:

Trust receipt transaction

3014.5. A trust receipt transaction is also one in which, pursuant to a trust receipt, a motor vehicle, house trailer, trailer, semitrailer or aircraft dealer as trustee obtains new value from an entruster upon the transfer to the latter of a security interest in new or used motor vehicles, house trailers, trailers, semitrailers or aircraft, whether or not such vehicles, trailers or aircraft are owned or possessed by the trustee prior or subsequent to the execution of the trust receipt document, and whether or not such vehicles, trailers or aircraft are thereafter retained in the trustee's possession.

All of the provisions of this chapter which are applicable to the trust receipt transactions enumerated in Section 3014 are applicable to the trust receipt transaction specified in this section.

CHAPTER 484

An act to amend Sections 18802, 18805, 18807 and 18908 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 18802 of the Revenue and Taxation Code is amended to read:

Payor's tax return

18802. Every individual, partnership, corporation, joint stock company or association, insurance company, business trust, or so-called Massachusetts trust, being a resident or having a place of business in this State, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this State or any political subdivision of this State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to bearer), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains,

profits, and income amounting to one thousand dollars ($1,000) or over, paid or payable during any year to any taxpayer, shall make a complete return to the Franchise Tax Board, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, under such regulations and in such form and manner and to such extent as may be prescribed by it.

SEC. 2. Section 18805 of the Revenue and Taxation Code is amended to read:

Withholding of tax and transmission to board

18805. The Franchise Tax Board may, by regulation, require any person, including any officer or department of the State or any political subdivision or agency of the State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, to withhold from payments of interest (other than interest coupons payable to bearer), dividends, rent, prizes, winnings, and compensation for personal services, including bonuses, an amount equal to the tax that would be imposed by this part upon such payments if they, together with all similar payments since the beginning of the calendar year, represented net income and the only net income of the payee, and to transmit the amount withheld to the Franchise Tax Board at such time as it may designate

SEC. 3. Section 18807 of the Revenue and Taxation Code is amended to read:

18807. The Franchise Tax Board may by notice, served personally or by registered mail, require any person and any officer or department of the State or any political subdivision or agency of the State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, having in their possession, or under their control, any credits or other personal property or other things of value, belonging to a taxpayer, to withhold, from such credits or other personal property or other things of value, belonging to a taxpayer, the amount of any tax, interest or penalties due from the taxpayer under this part and to transmit the amount withheld to the Franchise Tax Board at such times as it may designate.

SEC. 4. Section 18908 of the Revenue and Taxation Code is amended to read:

Execution fees

18908. The Franchise Tax Board shall pay or advance to the sheriff, constable, or marshal, the same fees, commissions, and expenses as are provided by law for similar services pursuant to a writ of execution. The Franchise Tax Board, and not the court, shall approve the fees for publication in a newspaper.

Tax levy

SEC. 5. 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.

Effect

SEC. 6. 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, 1952, 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.

Intent

CHAPTER 485

An act to amend Section 7023 of the Elections Code, relating to the posting of election results.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 7023 of the Elections Code is amended to read:

Posting of election results

7023. Before it adjourns, the precinct board shall post conspicuously on the outside of the polling place, a copy of the result of the votes cast, which copy shall remain posted for at least 48 hours from the official time fixed for the closing of the polls. The copy shall be signed by the members of the board.

CHAPTER 486

An act to amend Section 7924 of the Elections Code, relating to canvass of returns.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 7924 of the Elections Code is amended to read:

Canvassing clerks

7924. In any county where the number of election precincts exceeds 500, the board of supervisors may appoint several sets of clerks to perform the clerical work of the canvass and to assist the board or the county clerk in canvassing returns. The several sets of clerks so appointed may, under the order and direction of the board or county clerk, perform their duties in the canvassing of the returns simultaneously.

CHAPTER 487

An act to amend Section 9757 of the Elections Code, relating to signatures on nomination papers.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 9757 of the Elections Code is amended to read:

9757. The signatures to each nomination paper shall be appended on the same sheet of paper and each signer shall add the date of his signing and his place of residence, giving the street and number, if any, otherwise such designation of his place of residence as will enable its location to be readily ascertained.

Nomination paper signatures

CHAPTER 488

An act to amend Section 9854 of the Elections Code, relating to the conduct of municipal elections.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 9854 of the Elections Code is amended to read:

9854. Before opening the polls, the election officers shall sign a declaration to discharge faithfully the duties of an election officer, before the inspector or before any other of themselves.

Election officers' declaration

CHAPTER 489

An act to amend Section 14254 of the Financial Code, relating to the issuance of a certificate to engage in business as a credit union, under the Credit Union Law.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 14254 of the Financial Code is amended to read:

14254. If the commissioner is satisfied that the field of membership of the applicant is not contrary to the principles of organizing credit unions based on common bond of employment, membership, or residence, and does not substantially encroach

Credit union certificate

upon that of any existing credit union to the extent that it will impair the successful operation of either credit union, that the number of persons eligible for membership is not less than 50, that the responsibility, character, and general fitness of the officers, committeemen, and directors of applicant is such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this division, the commissioner shall issue to the applicant a certificate authorizing it to engage in and carry on business as a credit union.

CHAPTER 490

An act to amend Section 53205 of the Government Code, relating to charges against funds of local agencies.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 53205 of the Government Code is amended to read:

Insurance premium charges against funds of local agencies

53205. From funds under its jurisdiction, the legislative body may authorize payment of any portion of the premium for group life, accident, and health insurance and medical and hospital service on officers and employees subject to their jurisdiction; provided, however, the legislative body of the county may authorize payment of not more than one-half of the premium from funds under its jurisdiction.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums for such insurance any dividend paid or premiums refunded under any such insurance up to the aggregate expenditures of the employer for such insurance are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such insured employees or their dependents generally.

CHAPTER 491

An act to amend Sections 34856 and 36510 of the Government Code, relating to the government of cities.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 34856 of the Government Code is amended to read:

Appointive power. City manager, city council

34856. The city manager may appoint and dismiss the chief of police and other subordinate appointive officers and employees except the city attorney. When the offices of city clerk and city

treasurer are made appointive, appointments to such offices shall be made by the city council unless the city council vests such appointing power in the city manager by ordinance.

SEC 2. Section 36510 of said code is amended to read:

36510. If a majority of the votes cast on the proposition is for it, the city council shall appoint such officers at the expiration of the terms of the officers then in office, and on a vacancy in any such office. Such officers shall hold office during the pleasure of the city council and are not required to be residents or electors in the city. The city council may by ordinance vest in the city manager its authority to appoint such officers.

CHAPTER 492

An act to amend Section 2843 of the Elections Code, relating to state and county central committees.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2843 of the Elections Code is amended to read:

2843. Not later than 10 days after the county central committee meets as provided for in Section 2842, the county clerk shall mail or otherwise deliver to the Secretary of State a certificate showing the chairman of each county central committee in each county containing 20 or more assembly districts.

Committee chairman certificate

In all other counties the county clerk shall within 10 days after, the county central committee meets as provided for in Section 2842 ascertain who is the newly elected chairman of each county central committee and shall mail a certificate to that effect to the Secretary of State.

CHAPTER 493

An act to amend Sections 340 and 562 of the Military and Veterans Code, relating to the National Guard.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 340 of the Military and Veterans Code is amended to read:

340. In all cases in which any officer or enlisted man of the National Guard, or the unorganized militia when called into active service, or Naval Militia not in active service of the United States is wounded, injured, disabled, or killed in active service and in line of duty, such officer or enlisted man or the dependents of such officer or enlisted man shall be entitled to receive compensation from the State, in accordance with the provisions of Division 4 of the Labor Code. In all such cases, such an officer or enlisted man shall be held and deemed to

Injury compensation National Guard etc

be an employee of the State. The compensation to be awarded to any such officer or enlisted man 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 Division 4 of the Labor Code; except, and provided further, that all officers, warrant officers and enlisted men on active duty with the Office of the Adjutant General shall be entitled to receive from the State all rights and benefits provided in Section 3, Public Law 108, Chapter 225, Eighty-first Congress, First Session; provided further, that there shall be no duplication of such federal and state benefits.

SEC. 2. Section 562 of said code is amended to read:

California National Guard Reserve

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 Division 4 of the Labor Code. 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 Division 4 of the Labor Code.

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.

CHAPTER 494

An act to amend Section 5050 of the Insurance Code, relating to county mutual fire insurance.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 5050 of the Insurance Code is amended to read:

5050. One hundred or more persons residing in one county of this State, owning insurable real property aggregating not less than five hundred thousand dollars ($500,000) in value, and desiring to insure such property, may incorporate for the purpose of mutual fire insurance, if they agree to insure such property in the newly formed corporation and to advance to the corporation a deposit premium of at least twenty-five cents ($0 25) on each one hundred dollars ($100) of insurance. Mutual fire insurance corporation

CHAPTER 495

An act to amend Section 35201 of the Health and Safety Code, relating to the powers and duties of the Commissioner of Corporations.

[Approved by Governor April 30, 1953 Filed with Secretary of State May 1, 1953] In effect September 9, 1953

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

SECTION 1. Section 35201 of the Health and Safety Code is amended to read:

35201. If the commissioner takes possession of the property and business of any corporation he has the same powers and duties with respect to it as are conferred upon the Superintendent of Banks with respect to banking institutions by the Financial Code and the commissioner may liquidate the corporation pursuant to the Financial Code so far as it is applicable. Powers of commissioner

CHAPTER 496

An act to repeal Part 8 of Division 3 of Title 2 of the Government Code, relating to the powers and duties of the Governor as to planning and research.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953] In effect September 9, 1953

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

SECTION 1. Part 8 of Division 3, Title 2 of the Government Code is repealed. Repeal

CHAPTER 497

An act to amend and renumber Section 11011 of the Government Code as added by Chapter 1743 of the Statutes of 1951, relating to the payment of commissions to licensed real estate brokers upon the sale of state-owned land.

[Approved by Governor April 30, 1953 Filed with Secretary of State May 1, 1953] In effect September 9, 1953

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

SECTION 1. Section 11011 of the Government Code as added by Chapter 1743 of the Statutes of 1951 is amended and renumbered to read:

Employment, compensation of real estate broker

11011.5. When the highest bid received after advertising does not equal the appraised value of such property, a state agency authorized to sell state-owned real property, except property acquired for state highway purposes, may, with the approval of the Department of Finance, employ a licensed real estate broker in connection with such sale and pay the amount of commission earned by such broker. The commission shall be paid only out of the proceeds of the sale before the proceeds are remitted to the State Treasury.

CHAPTER 498

An act to amend and renumber Section 11009 of the Government Code as added by Chapter 101 of the Statutes of 1945, relating to the investment of funds by state agencies.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 11009 of the Government Code as added by Chapter 101 of the Statutes of 1945 is amended and renumbered to read:

Approval of investment, etc.

11012. Whenever any state agency, including but not limited to state agencies acting in a fiduciary capacity, is authorized to invest funds, or to sell or exchange securities, prior approval of the Department of Finance to the investment, sale or exchange shall be secured.

Every state agency shall furnish the Department of Finance with such reports and in such form, relating to the funds or securities, their acquisition, sale or exchange, as may be requested by the Department of Finance from time to time.

Exemptions

This section does not apply to the following state agencies:

(a) Any state agency when issuing or dealing in securities authorized to be issued by it.

(b) The Treasurer.

(c) The Regents of the University of California.

(d) California Employment Stabilization Commission.

(e) Department of Veterans Affairs.

(f) Hastings College of Law.

(g) Board of Administration of the California State Employees' Retirement System.

(h) State Compensation Insurance Fund.

(i) California Toll Bridge Authority and Department of Public Works when acting in accordance with bond resolutions adopted under the California Toll Bridge Authority Act prior to the effective date of this section.

CHAPTER 499

An act to amend and renumber Section 11007.5 of the Government Code as added by Chapter 1612 of the Statutes of 1951, relating to state agencies insuring its officers and employees against flight injuries.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11007.5 of the Government Code as added by Chapter 1612 of the Statutes of 1951 is amended and renumbered to read:

11007.6. Any state agency may insure its officers and employees against injury or death arising from aircraft accidents incurred while flying in state-owned or leased civil aircraft on state business subject to rules and regulations prescribed by the Board of Control.

Aircraft injury insurance

CHAPTER 500

An act to repeal Section 25295a of the Revenue and Taxation Code, as added by Chapter 74 of the Statutes of 1951, relating to the taxation of banks, corporations, Massachusetts trusts and associations.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 25295a of the Revenue and Taxation Code, as added by Chapter 74 of the Statutes of 1951, is repealed.

Repeal

CHAPTER 501

An act to repeal Section 8352 of the Public Resources Code, relating to rights of way over state land.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8352 of the Public Resources Code is repealed.

Repeal

CHAPTER 502

An act to repeal Section 3451 of the Welfare and Institutions Code, as added thereto by Chapter 959 of the Statutes of 1949, relating to eligibility for aid to partially self-supporting blind residents.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

Repeal

SECTION 1. Section 3451 of the Welfare and Institutions Code, as added thereto by Chapter 959 of the Statutes of 1949, is repealed.

CHAPTER 503

An act to amend Section 778 of the Welfare and Institutions Code, relating to juvenile court proceedings to declare persons free from the custody and control of their parents.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 778 of the Welfare and Institutions Code is amended to read:

Service when parent nonresident or residence unknown

778. If the father or mother of such person resides outside the State, or if his or her place of residence is not known to the petitioner, the petitioner or his agent or attorney shall make and file an affidavit, and shall state therein the name of the father or mother who resides outside the State and his or her place of residence, if known to the petitioner, and the name of the father or mother residing in or out of the State whose place of residence is unknown to the petitioner. Thereupon the judge of the juvenile court shall make an order that the service be made by the publication of a citation requiring such father or mother to appear at the time and place stated therein, and that said citation be published in a newspaper to be named and designated as most likely to give notice to the father or mother to be served once a week for four successive weeks. In case of publication where the residence of a nonresident or absent parent is known, the judge must direct a copy of the citation to be forthwith deposited in the post office, directed to such parent to be served, at his or her place of residence. When publication is ordered, personal service of a copy of the citation out of the State is equivalent to publication and deposit in the post office, and in either case the service of the citation is complete at the expiration of the time prescribed by the order for publication.

Parent unknown

If one or both of the parents of such child be unknown or if the name of either or both of his parents be uncertain, then

said fact shall be set forth in said affidavit and the court shall order the citation to be directed and addressed to either the father and/or the mother, or both, of the person sought to be declared free from parental custody and control, naming and otherwise describing said latter person, and to all persons claiming to be the father or mother of said person. Such citation shall be addressed in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF _____, a Person Who Should be Declared Free from the Custody and Control of his Parent or Parents.	CITATION

To the father and/or mother of the above-named person and to all persons claiming to be the father and/or mother of such person, who is described as follows:

CHAPTER 504

An act to amend Section 45053 of the Government Code, relating to city personnel.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 45053 of the Government Code is amended to read:

45053 A person shall not be employed in city employment while he is receiving a retirement allowance under a city employees' retirement system of such city by reason of prior service with such city.

Pension and employment

CHAPTER 505

An act to add Section 608.3 to the Vehicle Code and to amend Section 737 of the Vehicle Code, relating to trespassing upon vehicular crossings.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 608.3 of the Vehicle Code is added, to read:

Trespass on vehicular crossing

608.3. Persons Not Permitted on Certain Portions of Vehicular Crossings. Every person who, without permission of the Department of Public Works, shall be upon any portion of a vehicular crossing which is not intended for public use, shall be guilty of a misdemeanor. The provisions of this section shall not apply to a person engaged in the operation, maintenance or repair of such vehicular crossing or any facility thereon nor to any person attempting to effect a rescue.

SEC. 2. Section 737 of the Vehicle Code is amended to read:

Optional arrest

737. When Officer Has Option to Take Arrested Person Before a Magistrate. Whenever any person is arrested for any of the following offenses and the arresting officer is not required as hereinbefore provided to take such person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a five days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made or, if the magistrate is not available, before his clerk or a jail custodian, as provided in Section 737.1.

(a) Section 504, relating generally to injuring or tampering with a vehicle.

(b) Section 505, relating to reckless driving, when such offense causes injury to any person.

(c) Section 662, relating to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lamps upon such vehicle under Section 663 hereof, which is punishable as a misdemeanor.

(d) Section 670 (e), relating to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Section 709 (c), relating to refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 481, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 483, relating to failure to stop after collision with an unattended vehicle.

(h) Section 601.5, relating to participating in speed contests.

(i) Section 332, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 608.3, relating to persons upon vehicular crossings.

CHAPTER 506

An act to amend Sections 10051.1 and 10054 of the Elections Code, and to add Sections 10052.1, 10056.1, and 10058 to said code, relating to the consolidation of elections.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 10051.1 of the Elections Code is amended to read:

Consolidation of elections Resolution

10051.1. Whenever an election called by a district, city or other political subdivision is to be consolidated with a state-wide election, such district, city or other political subdivision must at least sixty (60) days prior to the date of the election file with the board of supervisors a resolution of its governing board requesting such consolidation and setting forth the exact form of any question or proposition to be voted upon at such election, as the same is to appear on the ballot. Such question or proposition to appear on the ballot shall not exceed 175 words in length The resolution requesting the consolidation may be adopted and filed prior to the adoption of the ordinance, resolution or order calling the election but in that event the ordinance, resolution or order calling the election must be adopted at least 45 days before the election.

SEC. 2. Section 10052.1 is added to said code, to read:

Boundaries

10052.1. When the boundaries of the territory within which an election is to be held, or the boundaries of the precincts established therefor, do not fully coincide with the boundaries of the territory within which some other election is to be held, or the boundaries of the precincts established for the other election, then the elections may be consolidated as to all precincts which are the same for both elections. Such elections may also be consolidated as to those precincts where a single precinct established for one election lies entirely within a single precinct established for the other election. Separate ballots shall be provided for those voters who reside outside the territory within which one of the elections is called.

SEC. 3. Section 10054 of said code is amended to read:

Canvassing of returns

10054. In case of the consolidation of any election called by the legislative body of a city, district or other political subdivision with an election held in the county or counties in which the city, district or other political subdivision is situated, the governing body of the city, district or other political subdivision may authorize the board of supervisors to canvass the returns of the election. If this authority is given:

(a) The election shall be held in all respects as if there were only one election.

(b) Only one form of ballot shall be used.

(c) The returns of the election need not be canvassed by the legislative body of the authorizing city, district or other political subdivision.

If such authority is given to the board of supervisors, the canvass may be made by the county clerk when the board of supervisors so orders pursuant to Section 7921 or Section 7962, or by the registrar of voters if under Section 7921 or Section 7961 the registrar is required to make the canvass.

SEC. 4. Section 10056.1 is added to said code, to read:

Absent voters' period for voting

10056.1. Whenever the period of time within which absent voters' ballots shall be received by the clerk in order to be counted as provided for any election by this code or any other law of this State is different from that period of time provided for another election and said elections are consolidated and only one form of ballot used for both elections, all absent voters' ballots issued for the consolidated election may be counted for both elections if received by the clerk within whichever such period of time is the longer.

SEC. 5. Section 10058 is added to said code, to read:

Reference to other election

10058. Where under any law of the State the precincts, polling places or officers of election are required to be described or otherwise set forth in the ordinance, resolution, order, notice or other document calling, giving notice of or otherwise pertaining to any election, and such election is consolidated, in whole or in part, with another election, such ordinance, resolution, order, notice or other document need not describe or set forth the precincts, polling places and officers of election pertaining to the territory affected by the consolidation but may instead state that such precincts, polling places and election officers shall be the same as those provided for such other election within the territory affected by the consolidation, and in that event, such ordinance, resolution, order, notice or other document shall refer to some ordinance, order, resolution or notice calling, providing for or giving notice of such other election and which sets forth such precincts, polling places and election officers. Such reference may be made by giving the number and title or date of adoption of such ordinance, resolution or order, or the date or proposed date of any publication of such notice and the name of the newspaper in which the notice has been or will be published, or by any other definite description. Notwithstanding the provision of any other law of the State, such reference need not be made in the case of an election consolidated with a state-wide election.

CHAPTER 507

An act to amend Section 5070 of the Streets and Highways Code, relating to the giving of notice to owners of assessed property.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 5070 of the Streets and Highways Code is amended to read:

5070. Whenever in this division notice is required to be given by mail and the time or method for mailing is not specified, the notice shall be given by mail as follows: Notice by mail

(a) The legislative body shall direct the clerk to mail the notice, postage prepaid, to all persons owning real property which is proposed to be assessed to pay any part of the cost of the work, whose names and addresses appear on the last equalized assessment roll or as known to the clerk. If property assessed by the State under Section 14 of Article XIII of the Constitution is proposed to be assessed, such notice shall be mailed to every owner of such property at the address thereof shown on the last board roll transmitted to the county auditor

(b) If the notice is a notice of a hearing, it shall be mailed at least 15 days prior to the date fixed for that hearing.

CHAPTER 508

An act to amend Section 699 of the Vehicle Code, relating to exceptions to length limitations.

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.] In effect September 9, 1953

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

SECTION 1. Section 699 of the Vehicle Code is amended to read:

699. Exceptions to Length Limitations. The limitations of Sections 697 and 698 hereof as to length of vehicles and loads shall not apply when only poles or pipes are being transported upon a pole or pipe dolly or other lawful trailer used in connection with a motor vehicle; provided, that no pole or pipe exceeding 80 feet in length shall be so transported unless a permit has first been obtained as authorized in Section 710. Exception to length limitations

The limitations of Sections 697 and 698 hereof as to height and length of vehicles shall not apply to implements of husbandry incidentally operated or moved over a highway.

The limitation of Section 697(b) shall not apply to a vehicle used in a combination of vehicles, when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load; provided, that the combination of vehicles does not exceed the length permitted by Section 697(c).

CHAPTER 509

An act to amend Section 8213 of the Government Code, relating to notaries public.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 8213 of the Government Code is amended to read:

Notary public's bond and oath of office

8213. Within 20 days from the date of his commission, every person appointed a notary public shall deposit with the county recorder of the county in which he was commissioned to act, the fee payable for recording his official bond and shall file his official bond, and take, subscribe, and file his oath of office in the office of the county clerk of the county. Upon filing the oath and bond, the county clerk shall forthwith transmit to the Secretary of State his certificate setting forth the fact of such filing and containing a copy of the official oath, signed by the notary with his own proper signature, and shall forthwith deliver the bond to the county recorder. Upon receipt of the bond, the recorder shall record it and then return it to the county clerk who shall keep the bond for one year following the expiration of the term of the commission for which the bond was issued after which said bond may be disposed of. Such disposition shall not affect the time for commencement of actions on the bond. A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements, and attachments, may be read in evidence with like effect as the original thereof, without further proof.

CHAPTER 510

An act to amend Section 4615 and 4617 of the Health and Safety Code, relating to sewer districts.

In effect September 9, 1953

[Approved by Governor April 30, 1953. Filed with Secretary of State May 1, 1953.]

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

SECTION 1. Section 4615 of the Health and Safety Code is amended to read:

Governing body's powers

4615. At any meeting after the passage and recording of the resolution, by ordinance passed by a vote of two-thirds of all its members and approved by the mayor, the governing body may:

(a) Adopt plans and specifications for the proposed sewer work, if to be constructed.

(b) Describe the territorial district upon which the expense of the proposed sewer work, improvement, or acquisition, shall be chargeable.

(c) Provide for a special election to be held in the district.

SEC. 2. Section 4617 of said code is amended to read:

4617. In all particulars not recited in the ordinance, the election shall be held as is provided by law for holding general elections in the district. Election

At the election only the proposition of incurring indebtedness for the purposes set forth in the ordinance may be submitted to the voters of the district.

CHAPTER 511

An act to amend Sections 814 and 828.7 of and to add Sections 812.4a, 814.1 and 828.7a to the Agricultural Code, relating to standard containers for vegetables, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 2, 1953.] In effect immediately

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

SECTION 1. Section 814 of the Agricultural Code is amended to read:

814. Head lettuce shall not be leafy without head formation and shall be free from insect injury, slime, decay or rot affecting leaves within the head, and free from seed stems which have so developed that they are apparent upon external examination; and free from serious damage caused by bursting, tip burn or freezing. Damage caused by bursting is not serious unless the head is burst open or is materially misshapen from this cause. Damage caused by freezing or tip burn is not serious unless it affects any portion of the head inside of the six outer head leaves. Head lettuce standards

Not more than 15 percent, by count, of the heads of lettuce in any one container or bulk lot may be below these requirements, but not to exceed 5 percent, shall be allowed for decay or slime.

Head lettuce, when packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size marked, and they shall be fairly tightly packed. Head lettuce which is loose in containers not packed or placed in layers need not meet the sizing and packing requirements of this standard if the container in which the lettuce is placed is not lidded or closed.

In addition to other packing requirements in this chapter head lettuce, when packed or placed in layers, shall contain either two dozen, two and one-half dozen, three dozen, three Containers

and one-half dozen, four dozen, five dozen, 75 or 90 heads of lettuce per standard container numbers 45A, 45B, 45D or 45E. Each crate of three and one-half dozen count shall have each layer arranged with four rows of three, four, and four and three heads.

In the case of sizes 75 and smaller per crate, a bridge of from three to six heads shall be permitted and in the five-dozen size a bridge of four heads shall be permitted.

All containers of lettuce shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the lettuce, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and in figures not less than one-half inch in height the exact number of heads contained therein; provided, that in the case of lettuce packed in lidded or closed containers without ice the exact number of heads may be marked on the lid of the container; and provided further, that in the case of 10 percent of the crates in any lots the contents may vary not more than three heads over the count as marked.

All head lettuce shall be in standard containers numbers 45A, 45B, 45C, 45D, 45E, 45F or 45G.

SEC. 2. Section 828.7 of said code is amended to read:

828.7. Standard containers numbers 45A, 45B and 45C, when lidded, shall have a lid not over 25 inches in length and containers numbers 45D and 45F shall have a lid not over 23½ inches in length. The inside length shown hereinabove for the standard containers numbers 45, 45A, 45B, 45C and 46, shall be a minimum length, with maximum outside length of these containers of 24½ inches; and the inside lengths of these containers shall be measured between the end slats, except that if flat end posts wider than one and one-half inches are used, the inside length shall be measured between the posts.

SEC. 3. Section 828.7a is added to said code, to read:

828.7a. Notwithstanding the provisions of Section 828.7, standard containers 45D and 45F, when lidded, may have a lid over 23⅜ inches in length. The provisions of this section shall remain in effect until August 1, 1953, and on and after that date shall have no force or effect

Termination date

SEC. 4. Section 812.4a is added to said code, to read:

Carrot containers

812.4a. Notwithstanding the provisions of Section 812.4, bunched carrots may be packed in containers other than those specified in said section if each container is conspicuously marked in letters not less than one-half inch in height with the words "experimental container." While this section is in effect the provisions of Section 829.5 shall not apply to containers of bunched carrots. This section shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature and thereafter shall have no force or effect.

Termination date

SEC. 5. Section 814.1 is added to said code, to read:

814.1. Notwithstanding the provisions of Section 814, head lettuce may be packed in containers other than those specified in said section if each container is conspicuously marked in letters not less than one-half inch in height with the words "experimental container." While this section is in effect the provisions of Section 829.5 shall not apply to containers of head lettuce. The provisions of this section shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature and thereafter shall have no force or effect. Experimental containers Termination date

SEC. 6. 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

The present law prohibits the use of lids on standard containers 45D and 45F, which are special lettuce crates, if the lids are over 23⅜ inches in length. Many lettuce growers have on hand a large supply of crating material with lids of a longer length and should be permitted to use this material up. The difficulty in obtaining lids of the proper size may seriously disrupt the marketing of lettuce unless the use of material on hand is permitted. Furthermore, recent developments in the methods of packing lettuce and carrots have developed a number of experimental containers for such products. The present law permits only a limited quantity of vegetables to be shipped in such containers and the volume of such shipments is too small to establish whether or not the experimental containers should be made standard. This bill will permit the lettuce and carrot industries to meet the changing needs of those industries Therefore, in order to permit the orderly marketing of lettuce and carrots in the ensuing marketing seasons it is necessary that this act take immediate effect.

CHAPTER 512

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 May 2, 1953 Filed with Secretary of State May 2, 1953] 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 tax re fish

thereof of sardines purchased, received or taken by him from the effective date of this act until December 31, 1955; provided, that until the end of the 1954-1955 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, squid, herring, and anchovies.

Disposition of funds

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 513

An act to amend Section 3352 of the Labor Code, relating to persons excluded from workmen's compensation.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 3352 of the Labor Code is amended to read:

"Employee" exclusions

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person employed in farm, dairy, agricultural, viticultural or horticultural labor, or in stock or poultry raising where the compensation provisions of this division are rejected, or do not apply, in accordance with Chapter 9 of this part.

(c) Any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine,

or periodical where the title thereto has passed to the person so engaged.

(d) Any person performing services in return for aid or sustenance only, received from any religious, charitable or relief organization.

(e) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(f) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(g) Any person engaged in household domestic service except as provided in Section 3358.5.

(h) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

CHAPTER 514

An act to repeal Sections 8, 9, 10, 11, 12, 13, and 14 of, to add Sections 8, 9, 10, 11, 12, 13, and 14 to, and to amend Section 19b of, an act entitled "An act to promote drainage," approved March 18, 1885, relating to assessments by drainage districts.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8 of the act cited in the title hereof is repealed. Repeal

SEC. 2. Section 8 is added to said act, to read:

Sec. 8. The board of trustees must, on or before the tenth of July of each year, furnish the supervisors and the auditor of the county wherein the district is situated, or, if such district is not entirely within one county, then as hereinafter provided, to the supervisors and auditor of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year, and may add thereto a sum sufficient to provide funds for the necessary expenditures during the next succeeding fiscal year, prior to the time when the first installment Estimate of district costs

of taxes for such succeeding fiscal year shall be collected and apportioned.

Repeal

SEC. 3. Section 9 of said act is repealed.

SEC. 4. Section 9 is added to said act, to read:

District in more than one county

Sec. 9. If such district is in more than one county, the total estimate provided for in Section 8 hereof shall be divided by the board of trustees in proportion to the value of real property within the district in each county, as shown by the assessment-rolls of the respective counties equalized in the year in which the estimate is made, but if the board of trustees shall find that the assessed valuation of real property in the various counties in which parts of the district are situated is on a different basis as compared with the actual value thereof, so that a division of the estimate as above provided would be inequitable, then the board of trustees shall determine by resolution the amount of said estimate which should be levied on the lands within the district in each county in order that substantially the same proportion of the estimate shall be paid by owners of real property of the same actual value in each county, and shall fix a time for a public hearing on said matter at the office of the district, or at some other convenient place, which time shall be not less than 15 days nor more than 21 days from the date of the adoption of said resolution, and shall give notice of said hearing by publication in a newspaper published in each county in which any part of the district is situated. Said notice shall state the determination of the board as to the division of said estimate and the time and place for the hearing thereon, and shall notify all persons interested that objections to said division of said estimate may be made at said hearing. The board of trustees shall meet at the time and place fixed for said hearing and shall hear all objections to said division of said estimate and any evidence offered in support of said objections and any evidence offered in support of said division. After the hearing of all evidence, if any, offered in regard to said matter, the board of trustees shall, if any objection to said division has been made, make an order reaffirming or modifying said division of said estimate as may be just, but if no objection to said division is made at said hearing, no change shall be made therein. When such division of such estimate has been finally made, the board of trustees shall furnish the board of supervisors and the auditor of each county in which any part of the district is situated a written statement of that part of said estimate apportioned to that county.

Hearing

Repeal

SEC. 5. Section 10 of said act is repealed.

SEC. 6. Section 10 is added to said act, to read:

Drainage district tax

Sec. 10. The board of supervisors of each county wherein is situated a district or any part thereof organized under the provisions of this act, must, annually, at the time of levying county taxes, levy a tax to be known as the "drainage district tax," sufficient to raise an amount reported to them as herein provided, by the board of trustees. The supervisors must determine the rate of such tax by deducting 15 percent for anticipated

delinquencies from the total assessed value of the real property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported by the board of trustees as required to be raised by the remainder of such total assessed value. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding portion of this section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district. One percent of all money paid to the treasurer for the use of the district shall be credited to the county to be expended by the county in defraying expenses incurred by county officials incidental to the handling of the funds. The provisions of the Revenue and Taxation Code of this State prescribing the manner of levying and collecting taxes 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 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.

SEC. 7. Section 11 of said act is repealed. Repeal

SEC. 8. Section 11 is added to said act, to read:

SEC. 11. If the district is in more than one county, the treasury of the county wherein the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties wherein is situated a portion of said district, must, at any time, not oftener than twice each year, upon the order of the board of trustees, settle with said board and pay over to the treasurer of the county where the district was organized, all moneys in their possession belonging to the district. Said last-named treasurer is authorized and required to receive and receipt for same, and to place the same to the credit of the district One percent of all money paid to the treasurer of the county where the district was organized for the use of the district shall be credited to the county of organization to be expended by the county in defraying expenses incurred by officials of the county of organization incidental to the handling of the money The treasurer shall be responsible upon his official bond for the safekeeping and disbursement, in the manner herein provided, of these and all other moneys of the district held by him. Fund repository

SEC. 9. Section 12 of said act is repealed. Repeal

SEC. 10. Section 12 is added to said act, to read:

SEC. 12 The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned by the treasurer, to wit: construction fund, general fund, funding fund. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund. Funds created

Repeal

SEC. 11. Section 13 of said act is repealed.

SEC. 12. Section 13 is added to said act, to read:

Payment of and accounting for funds

Sec. 13. The treasurer shall pay out of the funds of the district only upon warrants of the county auditor authorized by claims approved by the board of trustees, signed by the president and attested by the secretary. The treasurer shall report in writing at each regular meeting of the board of trustees and as often thereafter as requested by the board, the amount of money in the funds, the amount of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board.

Repeal

SEC. 13. Section 14 of said act is repealed.

SEC. 14. Section 14 is added to said act, to read:

Warrants

Sec. 14. The warrants drawn by the county auditor for claims approved by the board of trustees must be presented to the treasurer of the county, and if they are not paid on presentation, like endorsements must be made thereon, and they must be registered in like manner as county warrants and paid in the order of their registration. All warrants from the date of their registration shall bear interest at the rate of 5 percent per annum; provided, however, that warrants may be used in the payment of assessments made hereunder without regard to the order of registration. If a district is situated partly in different counties the charges must be paid into the treasury of the county in which the particular tract may be situated.

SEC 15. Section 19b of said act is amended to read:

Invalid assessments

Sec. 19b In all cases in which an assessment shall have been levied or shall hereafter be levied for drainage purposes upon the lands embraced within any drainage district now or hereafter formed or created under this act, is thereafter adjudged invalid as to any tract or tracts of land within said district, or if, for any reason, any tract or tracts of land within such district shall not have been charged with said assessment, a new assessment on the lands of the district may be levied for the purpose of raising the amount for which said invalid assessment was levied and any further sum then required or found necessary, and such tract or tracts of land shall be charged in any such subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the drainage for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent reassessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of drainage; provided, that in case any assessment that has been heretofore or shall hereafter be levied for drainage purposes upon the lands embraced within any such drainage district is so adjudged to be invalid either as a whole or as to any tract upon which it may have been levied, and any landowner of the district shall have paid the amount or any portion of the amount assessed in said assessment on any tract of land before said assessment shall have been or shall be so adjudged invalid, the amount so paid by said landowner, together with legal inter-

est thereon from the date of such payment, shall be a credit, and shall be credited by the treasurer of the county where the assessment list is filed, on any subsequent assessment on the tract of land on which said invalid assessment was paid, and be applied in satisfaction, pro tanto of any such subsequent assessment thereafter levied on the said tract. Such subsequent assessment or reassessment shall be made in the same manner as other assessments.

CHAPTER 515

An act to amend Sections 11421, and 11440 of the Government Code, relating to administrative regulations.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11421 of the Government Code is amended to read:

Emergency regulations

11421. (a) The provisions of this article shall not apply to any regulation not required to be filed with the Secretary of State under this chapter, and only this section and Section 11422 of this article shall apply to any regulation prescribing an agency's organization or procedure or to an emergency regulation adopted pursuant to subdivision (b) of this section

(b) If in any particular case the state agency makes a finding, including a statement of facts constituting the emergency in writing that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal.

SEC. 2. Section 11440 of the Government Code is amended to read:

Declaratory judgment as to validity

11440. Any interested person may obtain a judicial declaration as to the validity of any regulation by bringing an action for declaratory relief in the superior court in accordance with the provisions of the Code of Civil Procedure and in addition to any other ground which may exist, such regulation may be declared to be invalid for a substantial failure to comply with the provisions of this chapter or, in the case of an emergency regulation or order of repeal, upon the ground that the facts recited in the statement do not constitute an emergency within the provisions of Section 11421(b).

CHAPTER 516

An act to add Sections 20607.6, 20952.6, and 21252.6 to the Government Code, relating to retirement of firemen.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 20607.6 is added to the Government Code, to read:

Pension contribution rates

20607.6. For each local safety member who is a fireman, and who became such a member of this system, or, if entitled to credit for prior service, who entered fire service at or below age 45, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 50, or upon completion of 20 years of service at an age higher than 50 years, equal to one-fourth of his final compensation less one-half of his prior service pension (assumed for this purpose to be based on the full prior service formula applicable to his classification), it being the intention that the retirement allowances of such members, upon retirement at age 50 or such higher age, shall be, on the average, one-half of their final compensations, respectively.

Exemptions

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20952.6 and 21252.6 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20607.

SEC. 2. Section 20952.6 is added to said code, to read:

Local safety member

20952.6. A local safety member who is a fireman shall be retired for service upon his written application to the board if he has attained age 50, and is entitled to be credited with 20 years of continuous state service.

Exemptions

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.6 and 21252.6 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20952.

SEC. 3. Section 21252.6 is added to said code, to read:

21252.6. The current service pension for local safety members who are firemen is a pension derived from the contributions of the employer, which, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal the same percentage of his final compensation, regardless of his age at retirement, for each year of fire service, as the contributions of the member and the employer are calculated to provide upon retirement for service at age 50, or upon completion of 20 years of service at an age higher than 50, or upon retirement with less than 20 years service at age 65, for each year of fire service after the effective date of the contract under which he became a member. Current service pension

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.6 and 20952.6 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section. Exemptions

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 21252.4.

CHAPTER 517

An act to add Section 10854.1 to the Revenue and Taxation Code, to add Section 378.1 to the Vehicle Code, and to add Section 9.5 to Chapter 788 of the Statutes of 1937, relating to motor vehicle fees.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 10854.1 is added to the Revenue and Taxation Code, to read:

10854.1. If a check in payment of a fee or penalty is not paid by the bank on which it is drawn on its first presentation, the person tendering the check remains liable for the payment of the fee, or fee and penalty, as if he had not tendered the check. The department in its discretion may redeposit a check in payment of fee or fee and penalty the second time without assessing additional penalties. Fees paid by check

SEC. 2. Section 378.1 is added to the Vehicle Code, to read:

378.1. Fees Paid by Check. If a check in payment of a fee or penalty is not paid by the bank on which it is drawn on its first presentation, the person tendering the check remains liable for the payment of the fee, or fee and penalty, as if he had not

tendered the check. The department in its discretion may redeposit a check in payment of fee or fee and penalty the second time without assessing additional penalties.

SEC. 3. Section 9.5 is added to Chapter 788 of the Statutes of 1937, to read:

9.5. Liability of Person Tendering Check Not Paid by the Bank for Fees and Penalties. If a check in payment of a fee or penalty is not paid by the bank on which it is drawn on its first presentation, the person tendering the check remains liable for the payment of the fee, or fee and penalty as if he had not tendered the check. The department in its discretion may redeposit a check in payment of fee or fee and penalty the second time without assessing additional penalties.

Effect Stats 1953 Ch 70

SEC. 4. If Chapter 10 of Division 3 of the Vehicle Code is enacted by the Legislature at its 1953 Regular Session, Section 9.5 added to Chapter 788 of the Statutes of 1937 by this act is repealed at the same time as said Chapter 10 of Division 3 takes effect.

CHAPTER 518

An act to add Section 4863 to the Education Code, relating to school districts.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 4863 is added to the Education Code, to read:

Accreditation costs

4863. The governing board of a district maintaining a junior college may pay the costs of accreditation of the junior college by any accrediting association.

CHAPTER 519

An act to amend Section 4861 of the Education Code, relating to school districts.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 4861 of the Education Code is amended to read:

Membership in society, association, etc

4861. The governing board of any school district may subscribe for membership for any school under its jurisdiction and any county board of education may subscribe for membership in any society, association, or organization which has for its primary purpose the promotion and advancement of commonly

accepted educational practices through continued researches and investigations and the publication of reports thereon. The State Board of Education shall approve a list of societies, associations, and organizations in which membership may be taken No payment shall be made out of school funds for membership in any society, association, or organization whose name does not appear in the list approved by the State Board of Education. The total amount paid on account of all such memberships shall not exceed one hundred dollars ($100) for any school during any school year.

CHAPTER 520

An act authorizing the dissolution of the Islais Creek Reclamation District.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. The Legislature finds and declares the Islais Creek Reclamation District, created by "The Islais Creek Reclamation District Act" (Chapter 42, Statutes of 1925) approved April 6, 1925, was duly organized, and has now completed its works of reclamation. The Legislature further finds and declares that there are no outstanding bonds of the district; that the district is not indebted; and that trustees of the district accordingly have requested authority to dissolve the district and wind up its affairs.

Islais Creek Reclamation District

SEC. 2. The Islais Creek Reclamation District is authorized to dissolve as provided in this act.

Dissolution

SEC. 3. The board of trustees of the district is hereby authorized and directed to file for record in the office of the County Recorder of the City and County of San Francisco a certified copy of its order declaring the district dissolved, and thereupon to cease all activities, and to proceed immediately to wind up the affairs of the district.

Procedure

SEC. 4. The board of trustees of the district in winding up the affairs of the district, and in paying any expenses incidental thereto and in disposing of any funds of the district as required or authorized by this act, may do so by issuing demand warrants in substantially the following form:

Warrants

"No. _____ $_____

OFFICE OF THE BOARD OF TRUSTEES OF
ISLAIS CREEK RECLAMATION DISTRICT

The Treasurer of the City and County of San Francisco will pay to the order of _____ out of Islais Creek Reclamation District _____ Fund the sum of _____ dollars ($_____) for _____ allowed by the board of trustees of

said Islais Creek Reclamation District. This warrant does not bear interest, and it will outlaw and cannot legally be paid four years after date.

Dated: _____ _____

Attest: _____

_____ _____

Secretary Trustees''

Funds transferred

SEC 5. Funds which are in the office of the County Treasurer of the City and County of San Francisco to the credit of the district after the affairs of the district have been duly wound up, or to which the district may thereafter become entitled, shall be transferred to the credit of said City and County of San Francisco and shall be expended by the board of supervisors of said city and county for the benefit of the district; provided, that no such transfer shall be made until the said county treasurer has received from said board of trustees its written statement that the affairs of the district have been duly wound up; and provided further, that any moneys in the bond fund of the district so transferred shall be held by the said city and county in trust to pay the holder of said outstanding bonds the principal amounts owing thereon, if the same have not in the meanwhile been redeemed.

Claims and accounts Presentation

SEC. 6. Claims and accounts against the district which are not settled within 90 days after the filing for record of the certified copy of the order declaring the district dissolved, as authorized and directed in Section 3 of this act, shall be presented to the Board of Supervisors of the City and County of San Francisco and shall be passed and approved by them in the same manner as city and county claims.

Payment

SEC. 7. Claims and accounts against the district shall be paid out of the funds of the district or out of the funds of the district which may have been transferred to the credit of the City and Couny of San Francisco.

Rock bulkheads

SEC. 8. Any rock bulkheads constructed by the district upon property within the jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor shall, upon the filing for record of the certified copy of the order declaring the district dissolved as authorized and directed in Section 3 of this act, become the property of the State of California and be in the possession and continue in the jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor.

Payment by warrants

SEC. 9. The board of trustees of the district, while winding up the affairs of the district, may issue such warrants drawn upon the appropriate funds of the district in the office of the County Treasurer of the City and County of San Francisco as may be necessary to pay any claims or accounts which may be made against the district, and such warrants, like warrants authorized by Section 53000 of the Water Code, may be issued, drawn and used in the payment of any such claims or accounts without the approval of the board of supervisors of the city and county in which the district is now located.

CHAPTER 521

An act to repeal Chapter 81 of the Statutes of 1897, relating to the relinquishing to the United States of America the title of this State to certain lands.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 81 of the Statutes of 1897 is hereby repealed.

Repeal

CHAPTER 522

An act to amend Section 821.15 of, and to add Section 823.5 to, the Agricultural Code, relating to fruit and vegetable standardization.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 821.15 of the Agricultural Code is amended to read:

821.15. Apples of a standard grade or combination of such grades shall be well packed, place packed, placed in layers between trays or pads, "face and fill packed," loose in containers, or in bulk. Grade terms used to designate apples which are place packed shall not be followed by the term "loose."

Apple packing

SEC. 2. Section 823.5 is added to said code, to read:

823.5. Notwithstanding the provisions of Section 823, apples when placed in layers between not less than four nor more than six trays or pads may be in the special apple box, depth inside $11\frac{3}{4}''$; width inside $12\frac{1}{8}''$; length inside $19\frac{7}{8}''$; with a tolerance of $\frac{1}{4}''$ in all dimensions. The special apple box may be constructed with a full depth collar or liner if the inside measurements affected by such collar conform to the requirements of this section.

Special apple box

CHAPTER 523

An act to amend Sections 1, 2, 3, and 5 and repeal Section 4 of an act entitled "An act to provide for reporting and transmitting fines and forfeitures from judges and magistrates to the State Treasurer," approved May 11, 1937 (Ch. 263, Stats. 1937), and to amend Section 48 of the Fish and Game Code, Section 1734 of the Labor Code, Section 2274 of the Public Resources Code, Sections 11681, 11682, 11684, and 11686 of the Health and Safety Code, Section 2455 of the Business and Professions Code, and Sections 68101, 68102,

and 68103 of the Government Code, and to repeal Section 11685 of the Health and Safety Code, relating to the time and manner of reporting and transmitting fines and forfeitures in which the State has an interest.

In effect September 1, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 1 of the act cited in the title hereof approved May 11, 1937, is amended to read:

Payment to State

Section 1. In all cases of moneys, forfeited bail or fines, received by a judge or magistrate of any court under the operation of any act where the State of California is entitled to receive any portion thereof, such portions shall as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated, and paid, by warrant of the county auditor drawn upon a requisition of the clerk or judge of such court, at least once a month to the State Treasurer to be deposited in the State Treasury.

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

Record kept

Sec. 2. It shall be the duty of all judges and magistrates imposing or collecting such fines or forfeitures under this act to keep a record of said fines or forfeitures and at least monthly transmit a record thereof to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the State Controller at the time of transmittal of each warrant to the State Treasurer pursuant to this act.

Repeal

SEC. 3. Section 4 of said act is repealed.

SEC. 3.1. Section 3 of said act is amended to read:

Release from imprisonment

Sec. 3. Whenever an imprisonment has been imposed for a violation of any act, and before the termination of the sentence thereof, the defendant is released by the vacation of the sentence of imprisonment and the imposition of such fine or forfeiture in lieu thereof, said lieu fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

Whenever such fine has been imposed for violation of any act, and before the full payment of said fine, a sentence of imprisonment is imposed in lieu thereof, such lieu imprisonment shall be recorded and accounted for to the county auditor.

SEC. 3.2. Section 5 of said act is amended to read:

Fines Collection, transmittal

Sec. 5. It shall be the duty of the State Controller to check the reports and records received by him with the transmittals of such fines and forfeitures, and whenever it is apparent that such fines or forfeitures have not been transmitted, the county auditor shall and the State Controller may bring suit to enforce the collection or transmittal thereof, or both.

SEC. 4. Section 48 of the Fish and Game Code is amended to read:

48. Unless otherwise provided by law, all fines and forfeitures imposed or collected in any of the courts of this State for violations of any of the provisions of this code enforced by the commission or any other law providing for the protection or preservation of birds, mammals, fish, mollusks, or crustaceans, shall be deposited as soon as practicable after the receipt thereof with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: Fines and forfeitures Deposit

One-half to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court for deposit in the Fish and Game Preservation Fund in the State Treasury on order of the State Controller. At the time of such transmittal the county auditor shall forward to the State Controller, on such form or forms as the State Controller may prescribe, a record of the imposition, collection and payment of such fine or forfeiture. Payment to State

One-half to the county in which the offense was committed, which shall be deposited in a county fish and game propagation fund and expended for propagation and conservation of fish or game, or both, within the county, under the direction of the board of supervisors; provided, that the board of supervisors of said county may enter into written agreements with the board of supervisors of one or more other counties for the expenditure of such funds for propagation and conservation purposes in either or any of said counties for the joint benefit of said counties as the judgment of said boards of supervisors may direct. The purchase of real property necessary to said purposes is hereby declared to be lawful and title thereto shall be taken in the joint names of the counties contributing funds therefor. Said real property may be deeded to the State of California upon the express condition that the same shall be employed for the purpose of conservation and propagation within said counties. Expenditures from the fish and game propagation fund of any county shall be subject to the provisions of Division 3 of Title 3 of the Government Code. Payment to county

SEC. 5. Section 1734 of the Labor Code is amended to read:

1734. Any court collecting any fines or penalties under the criminal provisions of this chapter or any of the labor laws pertaining to public works shall as soon as practicable after the receipt thereof deposit same with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month by warrant of the county auditor drawn upon requisition of the judge or clerk of said court, to the State Treasurer for deposit in the General Fund Fines or penalties Deposit, payment

SEC. 6. Section 2274 of the Public Resources Code is amended to read:

2274. Any violation of Sections 2250, 2251, 2252, 2265, 2266, 2267, or 2272 is a misdemeanor punishable by a fine of not less than one hundred dollars ($100) and not more than Penalties

one thousand dollars ($1,000), or by imprisonment in the county jail for not less than 30 days nor more than six months, or both such fine and imprisonment. The State Mineralogist shall notify the district attorney of the county in which the offense occurs of any such violation, and the district attorney shall institute criminal proceedings for the enforcement of this chapter before any court of competent jurisdiction.

Bail and fines forfeited

All forfeited bail and fines received by any court under the provisions of this section shall as soon as practicable after the receipt thereof be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 50 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court, to be deposited in the State Treasury to the credit of the General Fund on order of the State Controller; and 50 percent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted.

SEC. 7. Section 11681 of the Health and Safety Code is amended to read:

Money, forfeited bail, fines received: Deposited

11681. All money, forfeited bail, or fines received by any court under this division shall as soon as practicable after the receipt thereof be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Controller; and 25 percent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

SEC. 7.1. Section 11682 of said code is amended to read:

Record

11682. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall at least monthly transmit a record of it to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the State Controller at the time of transmittal of each warrant to the State Treasurer pursuant to this article.

SEC. 7.2. Section 11684 of said code is amended to read:

Imprisonment recorded

11684. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the county auditor.

SEC. 7.3. Section 11686 of said code is amended to read:

Enforcement of collection and transmittal

11686. The State Controller shall check the reports and records received by him with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the county auditor shall and the State Controller may bring suit to enforce their collection or transmittal or both.

SEC. 7.4. Section 11685 of said code is repealed. Repeal

SEC. 8. Section 2455 of the Business and Professions Code is amended to read:

2455. Unless otherwise expressly provided in this chapter, all fines imposed or forfeitures of bail collected by any court under the provisions of this chapter shall as soon as practicable after receipt thereof be deposited with the county treasurer of the county in which such court is situated. Fines etc Deposit

Amounts so deposited shall be paid at least once a month as follows: Payments

Seventy-five percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court for deposit as provided in Section 2456; 25 percent to the county where the case is pending.

SEC. 9. Section 68101 of the Government Code is amended to read:

68101. Whenever pursuant to law the State is entitled to receive any portion of any money, forfeited bail or fines received by a judge of any court, such portion shall as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated, and paid, by warrant of the county auditor drawn upon a requisition of the clerk or judge of such court, at least once a month to the State Treasurer to be deposited in the State Treasury Payment to State

Any judge imposing or collecting such fines or forfeitures shall keep a record of them and at least monthly transmit a record thereof to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the State Controller at the time of transmittal of each warrant to the State Treasurer pursuant to this section.

SEC. 10. Section 68102 of the Government Code is amended to read:

68102. Whenever an imprisonment has been imposed for a violation of any act, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of such fine or forfeiture in lieu thereof, such fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance. Imprisonment

Whenever such fine has been imposed for violation of any act, and before the full payment of it, a sentence of imprisonment is imposed in lieu thereof, such imprisonment shall be recorded and accounted for to the county auditor.

SEC. 11. Section 68103 of the Government Code is amended to read:

68103. The State Controller shall check the reports and records received by him with the transmittals of such fines and forfeitures. Whenever it is apparent that such fines or forfeitures have not been transmitted, the county auditor shall and the State Controller may bring suit to enforce the collection or transmittal, or both. Enforcement of collection and transmittal

The official bond of any judge is liable for his failure to transmit such fines or forfeitures imposed by him.

Effect Stats 1953, Ch 206

SEC. 13. Sections 9, 10, 11, and 12 of this act become operative only if a new Title 8 is added to the Government Code by enactment of the Legislature at its 1953 Regular Session, and in such case at the same time as said Title 8 takes effect; at which time the act cited in the title hereof (Ch. 263, Stats. 1937) is repealed.

CHAPTER 524

An act to amend Sections 3, 12, 16, 19, 22, 26 and 28 of, and to add Sections 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.8, 13.9 and 30.17 to, the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949), relating to the Sonoma County Flood Control and Water Conservation District.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

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

Purposes of act

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical for water conservation, the control and disposition of flood, storm and other waters of the district, and the generating electric energy, and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

Powers of district

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

Acquisition and disposal of property

(d) To obtain by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights of way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful 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) 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. Eminent domain

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, 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 the board is 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, incorporated city or town, municipal water district or irrigation or reclamation district.

(g) 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. All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights of way for flood control purposes and not from funds appropriated for state highway purposes. All costs of relocating or otherwise changing any portion of a county highway shall be paid from funds available for rights of way for flood control purposes, unless the county road commissioner recommends to the board of supervisors that the cost of relocating a particular county highway should be paid from funds appropriated for county highway purposes, and the board of supervisors, upon said recommendation, finds that the relocating of said highway is of general benefit to the county. Changes in existing structures

(h) 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, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same. Construction, etc., of water structures

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment. Issue bonds, etc

Assessments

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

Employees

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

Transfers from general fund

(*l*) To make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; 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 abolish same; 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.

Contracts

(m) To make and enter into contracts with the United States, 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, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

Leases, etc

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, 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.

Contributions

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

Water rights

(p) 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.

Flood control

(q) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to construct any and all necessary drains or any other works and do any and every lawful act necessary to be done that the lands and other property within the district may be drained and protected from the effects of water, to maintain, repair, improve or protect any drains or other

works which are deemed necessary, to do any and all works necessary for the drainage of the lands of the district, to locate and acquire land needed for rights of way, including drains, canals, sloughs, water gates, embankments and water courses, and to construct works necessary to provide drains, canals, sloughs, water gates, embankments and water courses and to provide the materials for said construction; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to do any act necessary to furnish sufficient water in the district for any present or future beneficial use, to sell water for the benefit of the district, conserve water for future use, and appropriate, acquire, and conserve water and water rights for any useful purpose, to operate works and exercise water rights, property rights and privileges useful or necessary to convey, supply, sell, or make use of water for any purpose authorized herein, to supply, provide, and transport water for recreational purposes within or without the district; 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 district; to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; and to fix rates and charges for such purposes, all revenues received from the collection of the rates and charges as fixed to be used as follows: (a) to pay interest on a bonded debt; (b) so far as possible, provide a fund for the payment of the principal of the bonded debt as it becomes due; (c) pay the operating expenses of the district; (d) pay repairs and depreciation of works owned or operated by the district.

Contract with Federal Government

(r) 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 district, and to carry out and perform the terms of any contract so made; and for said purposes the district 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.

Service charges, etc

(s) To prescribe, revise and collect rates or other charges for the services and facilities furnished by it, and may pledge, place a charge upon, contribute or otherwise make available,

as security or additional security for the payment of any revenue bonds issued by the district any and all revenues received or receivable from any services or facilities furnished by it.

The district may provide that charges for any services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, and that all charges shall be billed upon the same bill and collected as one item. If all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered.

The district may provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the district determines.

Penalties

The district may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

SEC. 1.5. Section 12 of said act is amended to read:

Tax levy

SEC. 12. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of four cents ($0.04) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

SEC. 2. Section 13.1 is added to said act, to read:

District zoning

SEC. 13.1. The board may establish zones within the district to undertake any project or works of improvement. As used in Sections 13.1 to 13.9, inclusive, of this act, "works of improvement" includes, without limitation as to the generality thereof, maintenance, repair, or reconstruction of existing works.

"Works of improvement"

Formation of zone Proceedings

Proceedings for the establishment of a zone may be instituted by the board, by resolution, on its own initiative and shall be instituted by the board upon receipt of a petition requesting the formation of a zone and signed by not less than 25 percent of the owners of real property in the territory proposed to be included within the zone as shown by the last equalized assess-

ment roll of the county. The petition may consist of any number of separate instruments, each of which must comply with all of the requirements of a petition except as to number of signatures.

The procedure for undertaking projects or works of improvement through the creation of zones is an alternate method for undertaking district projects and shall not affect or limit any other provisions of law authorizing or providing for undertaking such projects or works of improvement by the district as a whole.

SEC. 3. Section 13.2 is added to said act, to read:

Sec. 13.2. A petition requesting the formation of a zone for the institution of a project of works of improvement shall: Petition

(a) Request the board to institute proceedings to establish the zone.

(b) Describe the boundaries of the territory which is proposed for inclusion in the zone.

(c) State the specific project or works of improvement for which the zone is to be created.

SEC. 4. Section 13.3 is added to said act, to read:

Sec. 13 3. Before a petition is circulated, the proposed boundaries of the zone shall be submitted to the county boundary commission for recommendation and report as provided in Chapter 3, Title 6, of the Government Code. County boundary commission

SEC. 5. Section 13.4 is added to said act, to read:

Sec. 13.4. Prior to the hearing on the proposal to establish any zone, the board shall direct the chief engineer of the district to make and file a report with the board which shall show: District engineer's report

(a) A general description of the project or works of improvement for which the zone is to be created.

(b) A general description of any lands, rights of way, easements, and property to be taken, acquired, or injured in carrying out such work.

(c) An estimate of the cost of the project or works, including an estimate of the cost of any lands, rights of way, easements, and property proposed to be taken, acquired, or injured in carrying out said work, and also of all incidental expenses and of all operating, maintenance, and other costs which may be incurred in connection therewith.

The report shall be considered by the board which may either accept the report as filed or refer it back to the chief engineer of the district for consideration of such modification or change as the board deems necessary in the best interests of the district.

SEC. 5 5. Section 13.5 is added to said act, to read:

Sec. 13.5. Within 30 days after receiving an engineer's report on the proposal to establish a zone, which report is satisfactory to the board, the board shall adopt a resolution of intention to establish a zone, which resolution shall contain the following: Resolution of intention

(a) A statement that a zone is proposed to be established under the terms of this act and describing the boundaries of the territory proposed for inclusion in the zone. Contents

(b) A statement as to the name proposed for the zone in substantially the following form: "Sonoma County Flood Control and Water Conservation District, Zone No. _____."

(c) A description of the project or works of improvement for which the zone is to be created and an estimate of the rate of assessment which must be levied to secure funds for the project or works of improvement and for the maintenance thereof, which will be levied annually upon all taxable real property within the zone.

(d) A statement of the estimated cost of the proposed project or works of improvement.

(e) A statement of the time and place for a public hearing at which the board will consider the establishing of a zone, which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution.

SEC. 6. Section 13.6 is added to said act, to read:

Notice of hearing

Sec. 13.6. The clerk of the board of supervisors shall publish a notice of hearing at least once seven days prior to the date of the hearing in a newspaper of general circulation published in the county. Notice of the hearing shall also be posted in not less than three public places in the zone at least two weeks before the date of the hearing. The notice shall contain:

Contents

(a) The text of the resolution.

(b) A statement of the time and place of the hearing.

(c) A statement as to the place where the engineer's report may be examined.

(d) A statement that at the hearing all written protests against establishment of the zone will be considered and testimony of all interested persons for or against the establishment of the zone will be heard.

SEC. 7. Section 13 7 is added to said act, to read:

Hearing Protests

Sec. 13 7. At the hearing the board shall hear testimony of all interested persons for or against the establishment of the zone, the inclusion therein of any lands that would not be benefited or the failure to include any lands which would be benefited, and the undertaking of the project of works of improvement. The board shall also receive any written protests by any interested person concerning the establishment of the zone which are filed with the clerk of the board on or before the time fixed for the hearing. Written protests may be withdrawn at any time before the hearing. The hearing may be continued from time to time for a period not to exceed 60 days. At the conclusion of the hearing the board shall consider all testimony and protests presented to it concerning the establishment of the zone, and may, if it determines it to be in the best interests of the district, establish the zone. If the board determines to establish the zone, it shall, by resolution, so declare and fix the boundaries and designate the projects or works of improvement to be performed therein. No land which will not be benefited shall be included in any zone. No zone initiated by petition shall be created, (a) for any project or works of improvement not included in the petition or amendment thereof, or (b) which includes lands not

Land excluded

within the boundaries proposed in the petition or any amendment thereof.

SEC. 8. Section 13.8 is added to said act, to read:

Sec. 13.8. If at any time before the establishment of a zone there is a written protest filed with the clerk by the owners of real property in excess of 50 percent of the assessed valuation of such property within the zone as shown by the last equalized assessment roll of the county, the proceedings shall be forthwith abandoned and the board shall not, for a period of one year from the filing of the written protest, initiate any proceedings to establish a zone for the same project or works of improvement as that proposed.

Proceedings abandoned

SEC. 9. Section 13.9 is added to said act, to read:

Sec. 13.9. Each year at the time the board of supervisors fixes and levies taxes for county purposes, they shall also fix the rates of zone assessments and shall levy the assessment upon the zone. The rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the expenditures incident to the project or works of improvement for which the zone is established and the cost of the maintenance thereof or both, during the current fiscal year. The assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this section.

Zone assessments

The assessments levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and shall be levied and collected at the same time and in the same manner as other district taxes and assessments. All funds collected by reason of the assessment shall be expended only on behalf of the zone and only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Whenever the board determines it in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone assessment in excess of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question as to whether or not the assessments in excess of twenty-five cents ($0.25) for each one hundred dollars ($100) of excess valuation shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone and notice of the time, place, and purpose of the election has been given by publication once a week for at least two weeks in a newspaper of general circulation published within the district and posted in not less than three public places in the zone.

SEC. 10. Section 16 of said act is amended to read:

Special election

Sec. 16. After the adoption of said report and estimate of the amount of money required to be raised the board shall call a special election and submit to the qualified voters of said district the proposition:

Bond issue

Shall the district incur a bonded indebtedness for the purpose of providing for the conservation, control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, generating electric energy, and for any other purpose set forth in Section 3 hereof?

Estimated costs, etc

The resolution calling the special election shall 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 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the incurring of such indebtedness.

Election precincts

For the purpose of said election, the board shall, in its 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 two inspectors, two judges and two clerks for each of such precincts.

General election laws

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.

Qualified voters

At such election all persons whose names appear on the last great register of County of Sonoma as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Resolution published

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Defects, etc

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

Two-thirds vote

If at such election, two-thirds or more of the votes are cast in favor of the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Majority vote

Notwithstanding any other provision of this act, a majority vote shall be sufficient to authorize the issuance of revenue bonds, and a two-thirds vote shall be required only for the issuance of general obligation bonds.

SEC. 11. Section 19 of said act is amended to read:

Sec. 19. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than forty years from said date. The board shall fix the place, or places (which may be within or without the State of California and which shall be designated in said bonds) where said bonds together with the interest thereon shall be payable

Form, etc., of bonds

Callable bonds may be redeemed in such amounts and manner and at such prices as the board may prescribe by resolution.

SEC. 12. Section 22 of said act is amended to read:

Sec. 22. The district may sell the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale once, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district. 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 board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The 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.

Bond sales

SEC. 13. Section 26 of said act is amended to read:

Sec. 26. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Sonoma, and be paid out by him only upon authority of the board and by proper warrant. All proceeds from the sale of bonds and interest on such proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which said district was created as in this act provided.

Proceeds deposited

Notwithstanding any other provisions of this act the board may, in a resolution relating to the issuance of revenue bonds, designate a trustee, fiscal agent or depositary to receive the proceeds of sale of said revenue bonds or all or a part of any revenues received or to be received by the district from any enterprise of the district or from any services or facilities furnished or to be furnished the district, all as set forth in such resolution. Any such trustee, fiscal agent, or depositary shall be a bank or trust company qualified to do business in the State.

Trustee, etc

SEC. 14. Section 28 of said act is amended to read:

Sec. 28. The board shall, at the time for fixing the general tax levy for county purposes and in the manner of such general

Annual tax levy, etc

tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual 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. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except 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 the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, 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 tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Taxable property

Such tax shall be levied only upon all taxable real property, including both land and improvements thereon, within the district excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

Applicable law

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted 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.

Tax basis

The board shall take the assessment on the equalized roll of the County of Sonoma as the basis for district taxes and have its taxes collected by the county officials of said county. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all real property within the district, which value shall be ascertained from the equalized roll of such county for that year.

Tax rate

The board shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board and

the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected, the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the 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. Liens

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the board of supervisors of the County of Sonoma, and the board, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund. County compensation

SEC. 15. Section 30.17 is added to said act, to read:

SEC. 30.17. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving, or financing any one or more revenue producing enterprises for any one or more of the purposes for which the district has been formed. "Enterprise" as used in the section means a revenue producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6, Part 1, Division 2, Title 5 of this act. Revenue bonds "Enterprise"

CHAPTER 525

An act to amend Section 13841.1 of the Education Code, relating to sick leave of school district employees.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 13841.1 of the Education Code is amended to read:

13841.1. Every person employed by a school district in a position requiring certification qualifications shall be entitled to 10 days leave of absence for illness or injury and such addi- Sick leave

tional days in addition thereto as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a school year of service. The 10 days leave of absence need not be accrued by the employee before he may use it, such absence may be taken at any time during the school year. If such employee does not take the full amount of leave allowed in any school year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring, and prescribing the manner of proof of illness or injury for the purposes of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well recognized church or denomination.

Nothing in this section shall be deemed to modify or repeal any provision of law contained in Article 3 of Chapter 6 of Division 3 of the Health and Safety Code.

The provisions of Section 13841 relating to compensation, shall not apply to the first 10 days of absence of any such employee on account of illness or accident or to such additional days granted by the governing board.

Legislative intent

SEC. 2. The provision that the 10 days leave of absence need not be accrued by an employee before he may use it, and that such absence may be taken at any time during the school year, is intended to be declaratory of, and not a change in, the existing law.

CHAPTER 526

An act to amend the Sanitation, Sewer and Water Revenue Bond Law of 1941 by amending Sections 54300, 54307, 54309, 54311, 54313, 54341, 54342, 54344, 54348, 54349, 54384, 54420, 54421, 54422, 54423, 54424, 54426, 54427, 54431, 54432, 54434, 54467, 54478, 54513, 54514, 54515, 54516, 54519, 54522, 54524, and 54552 of, adding Sections 54301.1, 54346.3, 54516.1, and 54615 to, and repealing Section 54343 of, the Government Code, relating to the acquisition, construction, improvement, financing and operation of enterprises, as herein defined, by local agencies, and to the financing thereof by the authorization, issue and sale of revenue bonds by local agencies, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 54300 of the Government Code is hereby amended to read as follows:

Short title

54300. This chapter may be cited as the Revenue Bond Law of 1941.

SEC. 2. Section 54307 of the Government Code is hereby amended to read as follows:

54307. "Local agency" means any city, county, city and county, or any municipal or public corporation or district which is authorized to acquire, construct, own, or operate any enterprise as defined in Section 54309, except irrigation districts. "Local agency"

SEC. 3 Section 54309 of the Government Code is hereby amended to read as follows:

54309. "Enterprise" means a revenue producing improvement, building, system, plant, works, facilities or undertaking used for or useful in: "Enterprise"

(a) The obtaining, conserving, treating and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation or any other public or private uses;

(b) The collection, treatment or disposal of garbage or refuse matter;

(c) The collection, treatment or disposal of sewage, waste or storm water, including drainage;

(d) The providing of public parking lots, garages, or other automotive or vehicular parking facilities, including any and all public off-street vehicular parking facilities.

It includes all parts of the enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, garbage trucks, equipment, dumps, garbage disposal plants and incinerators or other disposal facilities, sewage treatment plants, sewage disposal plants, intercepting and collecting sewers, outfall sewers, trunk, connecting, and other sewer and water mains, filtration works pumping stations, water supply, storage and distribution facilities and equipment, and all buildings, structures, improvements, equipment, ditches, canals and facilities whatsoever appurtenant or relating to the enterprise.

SEC. 4. Section 54311 of the Government Code is hereby amended to read as follows:

54311. Subject to the limitations of Sections 54309 and 54310, in any resolution calling an election for the issuance of bonds for acquiring, constructing, improving, or financing any enterprise, the legislative body may define "enterprise" and that definition applies to the bonds authorized at the election. Legislative definition

SEC. 5. Section 54313 of the Government Code is hereby amended to read as follows:

54313. "Bonds" means bonds issued by a local agency pursuant to this chapter and payable exclusively from revenues of an enterprise and from any or all of the other funds referred to in Section 54478 upon which the bonds are to be made a charge and from which they are to be payable. "Bonds"

SEC. 6. Section 54341 of the Government Code is hereby amended to read as follows:

54341. A local agency may construct or improve any enterprise wholly or partially within or wholly without the local agency. By gift, lease, purchase, eminent domain, or other- Acquisition and disposal of property

wise, it may acquire any real property, or any interest in or improvement on any such property, or any water rights for an enterprise, except that no property of a state public body may be acquired without its consent. A local agency may sell, lease, exchange, transfer, assign or otherwise dispose of any real or personal property or any interest in such property. It may lay out, open, extend, widen, straighten, establish or change the grade of any real property or public rights of way necessary or convenient for any enterprise.

SEC. 7. Section 54342 of the Government Code is hereby amended to read as follows:

Operation, etc., of enterprise

54342. A local agency may operate, maintain, repair, or manage all or any part of any enterprise, including the leasing for commercial purposes of surplus space or other space which it is not economic to use for such enterprise.

SEC. 8. Section 54344 of the Government Code is hereby amended to read as follows:

Charges

54344. A local agency may prescribe, revise, and collect charges for the services, facilities, or water furnished by the enterprise.

SEC. 9. Section 54348 of the Government Code is hereby amended to read as follows:

Penalties

54348. The local agency may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

SEC. 10. Section 54349 of the Government Code is hereby amended to read as follows:

Bonds

54349. The local agency may issue bonds for funds to acquire, construct, improve or finance an enterprise. The bonds may be secured pursuant to this chapter.

SEC. 11. Section 54384 of the Government Code is hereby amended to read as follows:

Revenue bonds

54384. The resolution shall state that the bonds are to be revenue bonds, payable exclusively from the revenues of the enterprise and from such of the other funds referred to in Section 54478 as shall be specified in the resolution, and the resolution shall also state that the bonds are not to be secured by the taxing power of the local agency.

SEC. 12. Section 54420 of the Government Code is hereby amended to read as follows:

Special obligation

54420. The bonds are special obligations of the local agency and are secured by a pledge of and shall be a charge upon, and shall be payable, as to the principal thereof, interest thereon, and any premiums upon the redemption of any thereof, solely from and secured by a lien upon the gross revenues of the enterprise and such funds as are described in the resolution authorizing the issuance of the bonds.

SEC. 13. Section 54421 of the Government Code is hereby amended to read as follows:

54421. By resolution the legislative body may pledge, place a charge upon, and assign all or any part of the gross revenues of the enterprise and of any and all funds referred to in Section 54478 for the security of the bonds. The gross revenues of the enterprise include revenues of improvements and extensions later constructed or acquired and revenues of existing systems, plants, works, or undertakings to be improved or extended or for the improvement or extension of which the bonds are to be issued. Security

SEC. 14. Section 54422 of the Government Code is hereby amended to read as follows:

54422. The payment of interest on and principal of the bonds and any premiums upon the redemption of any thereof are secured by an exclusive pledge, charge, and lien upon all of the revenues of the enterprise and upon such other funds as shall be specified in the resolution authorizing the issuance of the bonds. Lien and charge

SEC. 15. Section 54423 of the Government Code is hereby amended to read as follows:

54423. The revenues and any interest earned on the revenues and all other funds specified in the resolution authorizing the issuance of the bonds constitute a trust fund for the security and payment of the interest on and principal of the bonds. Trust fund

SEC. 16. Section 54424 of the Government Code is hereby amended to read as follows:

54424. So long as any bonds or interest thereon are unpaid the revenues and interest thereon shall not be used for any other purpose, except as provided in Sections 54425 and 54426. Revenue restrictions

SEC. 17. Section 54426 of the Government Code is hereby amended to read as follows:

54426. Unless the legislative body provides otherwise in the resolution calling the election, the principal, interest, and sums for other security funds shall be paid from the revenues prior to paying the maintenance and operation costs of the enterprise. Revenue priorities

SEC. 18. Section 54427 of the Government Code is hereby amended to read as follows:

54427. Bonds of the same issue shall be equally secured by a pledge, charge, and lien upon the revenues of the enterprise and all other funds specified in the resolution authorizing the issuance of the bonds, without priority for number, date of bonds, of sale, of execution, or of delivery pursuant to this chapter and the resolution authorizing the issuance of the bonds; except that any local agency may authorize the issuance of bonds of different series and may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution, 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. Security priorities

SEC. 19. Section 54431 of the Government Code is hereby amended to read as follows:

Not debt, charge, etc

54431. The principal of and interest on the bonds and any premiums upon the redemption of any thereof are not a debt of the local agency, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues except the revenues of the enterprise and other funds that may be legally applied, pledged, or otherwise made available to their payment.

SEC. 20. Section 54432 of the Government Code is hereby amended to read as follows:

Source of payment

54432. Every bond shall recite in substance that the principal of and interest on the bond are payable solely from the revenues and other funds pledged or otherwise made available to its payment and that the local agency is not obligated to pay it except from the revenues of the enterprise and from such other funds.

SEC. 21. Section 54434 of the Government Code is hereby amended to read as follows:

Certification

54434. If in the opinion of the commission, the bonds are adequately secured and the revenues of the enterprise and the other funds applicable to the payment of the bonds are, or upon the acquisition, construction, or improvement of the enterprise probably will be, sufficient to pay the principal of and the interest on the bonds, the commission shall certify that the bonds are eligible as legal investments for public and private funds and as security for the deposit of public funds in banks in the State pursuant to the Districts Securities Commission Law.

SEC. 22. Section 54467 of the Government Code is hereby amended to read as follows:

Covenants

54467. The legislative body may insert in the resolution covenants against the mortgaging or otherwise encumbering, selling, leasing, pledging, placing any charge upon, or disposing of the enterprise or any of its revenues or any other funds pledged or otherwise made available to secure payment of the principal of and interest on the bonds.

SEC. 23. Section 54478 of the Government Code is hereby amended to read as follows:

Prohibitions

54478. Except as hereinafter provided in this section, this chapter does not authorize any local agency to make any covenants, to perform any act, or to do anything which requires expending any funds other than revenues received or receivable from the enterprise and such other funds from any source as are legally available for such purpose and may be used by the local agency for such purpose without incurring indebtedness. Notwithstanding any other provision of this chapter, (a) a local agency may pledge, place a charge upon, contribute, or otherwise make available, as additional security for the payment of any bonds issued pursuant to this chapter for the purpose of providing funds for the acquisition, construction, improving or financing of public parking lots, garages, or other automotive parking facilities, any or all revenues or funds derived from

any or all street parking meters then owned or controlled or thereafter acquired or controlled by such local agency; and (b) a local agency may also pledge, place a charge upon, or otherwise make available, as additional security for the payment of any bonds issued pursuant to this chapter any funds, including contributions, from any source which the local agency may legally apply to such purpose, excepting, however, any and all proceeds of taxation.

SEC. 24. Section 54513 of the Government Code is hereby amended to read as follows:

54513. Subject to the provisions of Section 54516.1, the local agency shall operate the enterprise in an efficient and economical manner. Operation

SEC. 25. Section 54514 of the Government Code is hereby amended to read as follows:

54514. Subject to the provisions of Section 54516.1, the local agency shall prescribe, revise, and collect such charges that the services, facilities or water of the enterprise are furnished to the users at the lowest possible cost consistent with sound economy, and prudent management, and the security and payment of the principal and interest of the bonds. Charges

SEC. 26. Section 54515 of the Government Code is hereby amended to read as follows:

54515. After making allowances for contingencies and error in the estimates, the charges, together with any other funds which under this chapter can legally be, and which are, pledged or otherwise made available for the respective purposes hereinafter set forth, shall be at least sufficient to pay the following amounts in the order set forth:

(a) The interest on and principal of the bonds as they become due and payable.

(b) All payments required for compliance with the resolution authorizing the issuance of the bonds or any other contract with the bondholders, including the creation of sinking and reserve funds.

(c) All payments to meet any other obligations of the local agency which are charges, liens, or encumbrances upon, or payable from, the revenues of the enterprise.

(d) All current expenses of management, operation, maintenance, and repair of the enterprise.

SEC. 27. Section 54516 of the Government Code is hereby amended to read as follows:

54516. Subject to the provisions of Section 54516.1, the local agency shall operate, maintain, and preserve the enterprise in good repair and working order. Maintenance, etc

SEC. 28. Section 54519 of the Government Code is hereby amended to read as follows:

54519. The local agency shall hold in trust the revenues and other funds pledged to the payment of the principal of and interest on the bonds for the benefit of the bondholders and shall apply the same pursuant to the resolution authorizing the issuance of the bonds or to the resolution as modified. Pledged revenues

Investment

The local agency may invest funds held in reserve, or in any sinking fund, or funds not required for immediate disbursement, in property or securities in which cities may legally invest funds subject to their control. No such investment shall be made in contravention of any covenant or agreement in any resolution authorizing the issuance of any outstanding bonds.

SEC. 29. Section 54522 of the Government Code is hereby amended to read as follows:

Financial statement

54522. The local agency shall cause to be published a summary statement showing the amount of gross revenues and the amount of all other funds collected which are required to be pledged or otherwise made available as security for payment of the principal of and interest on the bonds, the disbursements from such revenues and other funds in reasonable detail, and a general statement of the financial and physical condition of the enterprise. The statement shall be published annually, not more than 120 days after the close of each fiscal year. The local agency shall furnish a copy of the statement to any bondholder upon request.

SEC. 30. Section 54524 of the Government Code is hereby amended to read as follows:

Expenditures

54524. The duties set forth in this article do not require the local agency to expend any funds other than revenues received or receivable from the enterprise and such other funds from any source as are legally available and as are made available for the enterprise or to secure payment of the principal of or interest on bonds as provided in this chapter.

SEC. 31. Section 54552 of the Government Code is hereby amended to read as follows:

Authority of fiscal agent

54552. The local agency may authorize the fiscal agent to receive, collect, hold, or disburse revenues collected from the enterprise for or on account of the local agency or any other funds required to be pledged or otherwise made available as security for payment of the principal of and interest on the bonds, and to apply such revenues and other funds as provided in the resolution authorizing the issuance of the bonds

SEC. 32. Section 54301.1 is hereby added to the Government Code, to read as follows:

Legislative intent

54301.1. This chapter is intended to provide to any local agency heretofore or hereafter created or authorized to be created an alternate method of financing any enterprise (as said term is hereinafter defined), unless the issuance of bonds as defined in Section 54313 is specifically prohibited to such local agency by the Constitution of the State of California or by the law or charter pursuant to which such local agency is organized and operates.

SEC 33. Section 54346.3 is hereby added to the Government Code, to read as follows:

Contracts for billing and collection

54346.3. The local agency may enter into a written contract with any person, firm or public or private corporation providing for the billing and collection by such person, firm or corporation of the charges for the facilities, service or water

furnished by any enterprise. If all or any part of any bill rendered by any such person, firm or corporation pursuant to any such contract is not paid and if such person, firm or corporation renders any public utility service to the person billed, such person, firm or corporation may discontinue its utility service until such bill is paid, and the contract between the local agency and such person, firm or corporation may so provide.

SEC. 34. Section 54516.1 is hereby added to the Government Code, to read as follows:

Contracts to operate or manage enterprise

54516.1. Subject to the provisions and limitations of any resolution authorizing the issuance of bonds, the local agency may contract, upon such terms and conditions as it may determine, with any person, firm or corporation, for the operation or management of an enterprise. Each such contract shall provide that all consideration to be paid thereunder shall be payable solely from the revenues of the enterprise, and all consideration under any such contract payable by the local agency shall be paid only from such revenues. A local agency shall not by any such contract transfer or attempt to transfer to any person, firm or corporation, or in any way restrict the exercise of the local agency's legal powers and duties concerning any of the following:

Limitations

(a) The issuance and sale of bonds to provide funds for the acquisition, construction, improving, or financing of the enterprise.

(b) The payment of the principal of and interest on such bonds.

(c) The receipt, handling, and disbursement of and accounting for the proceeds of sale of the bonds.

(d) The fixing of fees, tolls, rates, rentals, and other charges for the services, facilities, or water furnished by the enterprise.

(e) The accounting for the revenues, receipts, and other funds of the enterprise.

(f) The making and enforcing of ordinances and regulations to protect and promote public health and safety in connection with the enterprise and its operation.

SEC. 35. Section 54615 is hereby added to the Government Code, to read as follows:

Contributions

54615. The local agency may also make contributions, for any of the purposes specified in this article, of any of the funds referred to in Section 54478.

Repeal

SEC. 36. Section 54343 of the Government Code is hereby repealed.

Urgency

SEC. 37. 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. A statement of the facts constituting such necessity is as follows:

The peace, health and safety of the citizens of the State require the immediate financing by public bodies in the State, as soon as possible and before this act would otherwise become effective, of urgently needed public improvements by the issu-

ance and sale of revenue bonds for the respective purposes authorized by this act, in situations where the bonding capacity of the public body to issue general obligation bonds has been exhausted or where, due to actual or anticipated population increases, it is or will be necessary to issue general obligation bonds for public improvements that are not revenue producing.

CHAPTER 527

An act to amend Section 1628 of the Business and Professions Code, relating to practice of dentistry.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 1628 of the Business and Professions Code is amended to read:

Examination qualifications

1628. Any person over 21 years of age is eligible to take an examination before the board upon making application therefor and:

(a) Paying the fee for applicants for examination provided by this chapter, which shall not be refunded except that applicants, who are found ineligible to take the examination, are entitled to a refund;

(b) Furnishing satisfactory testimonials of good moral character;

(c) Furnishing satisfactory evidence of having graduated from a reputable dental college, which shall have been approved by the board; provided, also, that applicants furnishing evidence of having graduated after 1921 shall also present satisfactory evidence of having completed at such dental school or schools the full number of academic years of undergraduate courses required for graduation.

CHAPTER 528

An act to amend Section 7.2 of the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935) and Section 649 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 7.2 of the Unemployment Insurance Act is amended to read:

Sec. 7.2. Notwithstanding the provisions otherwise contained in this act, the term employment does not include: "Employment" Does not include

(a) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(b) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

(c) Service performed by an individual under the age of 18 in the delivery or distribution of magazines, not including delivery or distribution to any point for subsequent delivery or distribution.

(d) Notwithstanding the provisions of Sections 7.2a and 7.2c, service performed by an individual under the age of 18 whose principal occupation is regular full-time work and whose attendance at school is incidental to full-time employment shall not be exempt from the provisions of this act.

SEC. 2. The amendment made by Section 1 of this act to Section 7.2 of the Unemployment Insurance Act is hereby declared to be merely a clarification of the original intention of the Legislature, and is not a substantive change. The California Unemployment Insurance Act was enacted as a part of a national plan for the purpose of assisting in the stabilization of employment conditions. It was not enacted to, nor intended to, cover persons not occupying the status of employees. Legislative intent

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of the Statutes of 1953, as required by Section 9762 of the Government Code.

SEC. 5. Sections 3 and 4 as contained herein becomes operative only if the Unemployment Insurance Code is enacted by the Legislature at its 1953 Regular Session. If, the Unemployment Insurance Code is not enacted by the Legislature at its 1953 Regular Session Sections 3 and 4 as contained herein become null and void. However, the amendments to Section 7.2 of the Unemployment Insurance Act, as amended herein shall apply to the existing act. Should the Unemployment Insurance Code be enacted during the 1953 Regular Session of the Legislature Section 7.2 of the Unemployment Insurance Act, as amended by this act is repealed. Effect Stats 1953, Ch 308

CHAPTER 529

An act to amend Sections 58950 and 58980 of the Government Code, relating to dissolution of districts.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 58950 of the Government Code is amended to read:

Alternative method

58950. This article is an alternative method by which a district may be dissolved.

SEC. 2. Section 58980 of said code is amended to read:

Dissolution of district

58980. When any tax, assessment, or any other district has no outstanding obligations, owns no property, and for five years has not collected taxes or other revenues or disbursed any district funds it shall be dissolved by resolution of the board of supervisors of the county in which the office of such district is located, unless by official action of the district a statement of desire to continue in existence is filed with the board of supervisors and the Secretary of State within two years after the effective date of this article, or within five years after it has ceased to have outstanding obligations, collect taxes or other revenues, and disburse district funds, whichever is later, and at least once within each five-year period of the existence of the district thereafter during which it has no outstanding obligations, collects no taxes or other revenues, or disburses no district funds. Not less than 30 days prior to the adoption of the dissolution resolution the clerk of the board of supervisors shall send notice to the last known principal place of business of the district that under the provisions of this article the board will on a specified date consider a dissolution resolution concerning the district. Such district shall be deemed to be dissolved upon the filing of a certified copy of the resolution of dissolution with the Secretary of State, the State Board of Equalization and with the county clerk and assessor of each county in which any portion of such district is located.

CHAPTER 530

An act to repeal Section 3330 of the Welfare and Institutions Code, relating to revolving funds of state institutions for the blind.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

Repeal

SECTION 1. Section 3330 of the Welfare and Institutions Code is repealed.

CHAPTER 531

An act to add Sections 32005, 32006, 32007, 32008, 32009, 32010 and 32011 to the Health and Safety Code, and to add Chapter 5 to Division 23 thereof, relating to hospital districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect immediately

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

SECTION 1. Section 32005 is added to the Health and Safety Code, to read:

32005. Upon the filing of a petition with the board of hospital directors signed by 10 percent of the qualified electors in the district, the board of hospital directors shall submit the question of dissolution of the district to the district electors; provided, the following conditions exist: Petition Conditions for filing

(a) The district has been organized for at least two years.

(b) The district has no hospital or bonded debt.

(c) Two succeeding district bond issues, next preceding submission of the question of the district's dissolution to the voters, were defeated at elections.

SEC. 2. Section 32006 is added to the said code, to read:

32006. The election shall be conducted as near as may be in the manner provided in Article 10 of Chapter 1 of Title 6 of the Government Code. If a majority of the voters favor dissolution, the board shall by resolution dissolve the district. Election

SEC. 3. Section 32007 is added to the said code, to read:

32007. The board of hospital directors shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder of each of the counties in which any part of the district is situated. Thereupon the district is dissolved for all purposes. Copy of resolution filed

SEC. 4. Section 32008 is added to the said code, to read:

32008. The board of hospital directors is, ex officio, the governing body of any dissolved district, and it may perform all acts necessary to wind up the affairs of the district. Powers of board

SEC. 5. Section 32009 is added to the said code, to read:

32009. When a district is dissolved its board of hospital directors shall convert all property of the district to cash and discharge all indebtedness of the district. All funds remaining after discharge of the district's indebtedness shall be deposited in the county treasury to the credit of the county general fund. Conversion of property, etc

SEC. 6. Section 32010 is added to the said code, to read:

32010. Any district may be dissolved pursuant to Article 10 of Chapter 1 of Title 6 of the Government Code in lieu of the procedure provided in Sections 32005 to 32009, inclusive. Alternative method

SEC. 7. Section 32011 is added to the said code, to read:

32011. Any interested person may obtain a judicial declaration as to the validity of the dissolution of a district. Judicial declaration

SEC. 8. Chapter 5 is added to Division 23 of the said code, to read:

CHAPTER 5. EXCLUSIONS

Article 1. General

Chapter applicable: When

32400. This chapter shall be applicable only if all of the following conditions exist:

(a) The district has been organized for at least two years.

(b) The district has no hospital or bonded debt.

(c) Two succeeding district bond issues, next preceding submission of the question of the district's dissolution to the voters, were defeated at elections.

Article 2. Petition and Notice

Petition for exclusion.

32410. Fifty percent or more of the qualified electors residing within an area that is a portion of a district may jointly or severally file with the board of directors a petition, praying that the area be excluded from the district.

Contents

32411. A petition for exclusion shall set forth all of the following:

(a) The reasons why it is claimed that the area should be excluded.

(b) A description of the area to be excluded.

Publication of notice.

32412. The secretary of the board of directors shall publish a notice of the filing of an exclusion petition once each week for at least two successive weeks prior to the date set for the hearing in a newspaper of general circulation published in the district; and, if there is no such newspaper in the district, then, in such a newspaper in the county in which the principal office of the district is located. If no newspaper is published in the county in which publication is required, notice shall be posted for the same time in at least three public places in the district, one of which notices shall be posted in the area proposed to be excluded.

Contents

32413. The notice shall contain:

(a) A statement that a petition for exclusion of land has been filed.

(b) A description of the area proposed to be excluded.

(c) The time of the hearing.

(d) An announcement that any persons interested in the proposed exclusion may appear at the district office at the time of the hearing and file objections in writing showing cause, if any they have, why the area or any of it should not be excluded.

Time for hearing

32414. The time of the hearing specified in the notice shall be the regular meeting of the board of directors next after the giving of the notice is complete.

Implied assent

32415. Persons who do not at or before the hearing file objections in writing showing cause why the area should not be excluded and the petitioners assent to excluding the area in whole and in part.

Article 3. Hearing and Order

32425. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned the board of directors shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections. Hearing

32426. The expense of giving the notice shall be paid by the persons filing the exclusion petition. Expense of notice

32427. Upon the hearing of an exclusion petition the board of directors shall order that the petition be denied: Denial

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any of the area described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any of the area described in the petition which the board deems it not for the best interests of the district to exclude except when the board judges that the residents of the area will not be benefited by the operations of the district.

32428. The board of directors after the hearing of any exclusion petition shall order the exclusion of all or any part of the area described in it when as to the area to be excluded either: Area excluded

(a) The board judges that the residents of the area will not be benefited by the operations of the district.

(b) The board deems the exclusion to be for the best interest of the district and one of the following is true:

(1) No interested person has filed objections in writing showing cause why the area should not be excluded.

(2) All written objections made to the exclusion have been withdrawn.

(3) No written objection made to the exclusion is sustained at the hearing.

32429. When a board of directors excludes any area from a district, the board shall make an entry in its minutes describing the change so that the new boundary of the district can be ascertained. Exclusion described

32430. For the purpose of describing the change the board of directors may cause any survey to be made it deems necessary. Survey

32431. A copy of the entry in the minutes excluding any area, certified by the president and secretary of the board of directors, shall be filed for record in the recorder's office of each affected county. Copy filed

32432. No exclusion of any area from a district impairs its existence, its rights, including those in or to property, or its obligations. Rights, etc. of excluded area

32433. If the board of directors of a district is elected by zones and the area excluded from the district embraces the greater portion of any zone of the district, the office of director from the zone shall be vacant at the expiration of 10 days from the final order of the board excluding the area. The vacancy shall be filled by appointment by the board of supervisors of Zone director vacancies

the office county from the district at large. A director so appointed shall hold office until the next general election for the district. A director then elected shall hold office for the unexpired term in the office of director from the zone involved.

Article 4. Liability of Excluded Land

Excluded area Assessments

32450. Any area excluded from a district shall be subject to assessment and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the area as fully as though the area had not been excluded.

Outstanding obligations

32451. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, any area excluded shall be considered as part of the district the same as though the area had not been excluded.

Enforcement

32452. All provisions which could be used to compel the payment by any excluded area of its portion of the outstanding obligations had the exclusion not occurred may be used to compel the payment on the part of the area of the portion of the outstanding obligations of the district for which it is liable.

Exemptions

32453. An excluded area is not subject to assessment or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the board of directors of the petition for the exclusion of the area from the district.

Article 5. Alternative Exclusion Procedure

Alternative method of exclusion

32475. As an alternative procedure to that provided in Articles 1 and 2, any area may be excluded by a district election when the required petition has been signed by at least 10 percent of the qualified electors of the area proposed to be excluded.

Petition

32476. The petition for exclusion shall be as provided in Section 32411.

Notice

32477. Upon filing of the petition for exclusion, the board of directors shall cause a notice to be published as provided in Sections 32412, 32413, and 32414.

Hearing

32478. A hearing of the petition shall be held in accordance with the provisions of Sections 32425, 32426, and 32427.

Election

32479. If the board of directors determines that the best interest of the district will be served by excluding the area, or any part thereof, the board shall hold an election within the area or part thereof, which the board determines should be excluded, to decide whether or not the proposed exclusion shall take place.

Fixing boundaries

32480. Upon the final hearing of the petition, the board of directors shall fix the boundaries of the area proposed to be excluded and the time, not less than 60 days from date of the order, for holding an election.

Resolution of exclusion

32481. If a majority of votes cast within the area proposed to be excluded are in favor of exclusion, the board of directors shall, by resolution entered in its minutes, declare the area

excluded. The entry shall describe the change in accordance with the provisions of Sections 32429 and 32430.

32482. The provisions of Sections 32431, 32432, and 32433 shall be applicable to the alternative exclusion procedure provided in this article. Applicable provisions

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: Urgency

Counties in which hospital districts are organized have not provided adequate medical facilities on the assumption that the districts will provide the facilities. This act provides a simple and efficient method for dissolution of unsuccessful districts and will place responsibility for medical facilities on the counties in which unsuccessful districts are located; therefore this act is necessary for the immediate preservation of the public health and safety.

CHAPTER 532

An act to add Section 1251.5 to the Fish and Game Code, relating to deer, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect immediately

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

SECTION 1. Section 1251.5 is added to the Fish and Game Code, to read:

1251.5. It is unlawful to take or possess any forked-horn deer or female deer in District 1¾, or in any district lying within the exterior boundaries of District 1¾. It is unlawful to take any female deer in any district or part of a district lying within the exterior boundaries of Siskiyou County, Plumas County or Sierra County. The provisions of this section shall not be subject to modification by any order, rule, or regulation of the commission pursuant to Article 1 of Chapter 2 of Division 1 of this code or any other provision of law. This section shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session and thereafter shall have no force or effect. Unlawful taking or possession of deer. Where Termination date

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

The heavy snows of the winter of 1951-1952 resulted in an extensive winter kill of deer in the mountainous areas of the State affected by this act. In those areas a great number of deer

became snowbound with little forage available. Inasmuch as the larger animals could reach more of the available forage the incidence of death was proportionately greater among the smaller animals, including the female deer and the forked-horn deer. In order to permit the rehabilitation of the deer herds in the areas affected and the restoration of the proper biological balance of the age, sex, and maturity of the animals in the herds it is necessary to protect the forked-horn deer and female deer as provided in this act prior to the 1953 hunting season.

CHAPTER 533

An act to add Section 5010 to the Education Code, relating to audits of school funds.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 5010 is added to the Education Code, to read:

Audit of county school service fund, etc.

5010. At the end of each fiscal year each county superintendent of schools shall provide for an audit of the county school service fund and of the books and accounts of all school districts under his jurisdiction with an average daily attendance of less than 900 during the next preceding fiscal year, and the governing board of each district with an average daily attendance of 900 or more for the next preceding fiscal year shall either provide for an audit of the books and accounts of the district or may make arrangements with the county superintendent of schools having jurisdiction over the district to provide for such auditing.

Each audit shall include all funds of the district including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the district.

Cost

The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each district from district funds.

The cost of the audit provided for by a governing board shall be paid from district funds. The audit of the county school service fund shall be paid from the county school service fund.

Certified public accountant or public accountant

The audits shall be made by a certified public accountant or a public accountant, licensed by the State Board of Accountancy. Not later than December 31st, a report of each audit for the preceding fiscal year shall be filed with the county clerk of the county in which the district is located, the Department of Education, and the Department of Finance. The Superintendent of Public Instruction shall make any adjustments necessary

in future apportionments of state funds, to correct any discrepancies revealed by such audit reports under the provisions of Section 7190 of this code.

If a governing board or county superintendent of schools fails or is unable to make arrangements for audits pursuant to this section, the Department of Finance may make arrangements for the audit and the cost of such audit shall be paid from school district funds or the county school service fund as the case may be.

Contents of audit

The Department of Finance with the cooperation of the Department of Education shall prescribe the statements and other information to be included in the audit reports filed with the State. The Department of Finance may make such audits, surveys and reports, and may develop suggested procedures for carrying out the purposes of this section, as in the judgment of the department will serve the best interests of the State.

Curriculum exempted

Nothing in this section shall be considered as authorizing examination into or report on the curriculum used or provided for in any school district.

CHAPTER 534

An act conveying certain tidelands and lands lying under inland navigable waters, situate in San Francisco Bay to the City of Sausalito, for public purposes and benefits, and providing for the government, management and control thereof, reserving rights to the State.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

Tidelands conveyed

SECTION 1. There is hereby granted and conveyed to the City of Sausalito, County of Marin, all of the tide and submerged lands of San Francisco Bay situated within and bordering the City of Sausalito, more particularly bounded and described as follows:

Description

Beginning at an angle point in the southwesterly line of Railroad Avenue, City of Sausalito, said point being the most northerly corner of Block 270, as shown on "Map No. 1 of Salt Marsh and Tide Lands, Situate in the County of Marin, State of California, 1870," as surveyed by G. F. Allardt, Chief Engineer of the Tide Land Survey, in 1870, and of record by virtue of being filed in the office of the State Lands Commission at Sacramento, California. Thence from this angle point which is the true point of beginning running along the westerly line of Railroad Avenue, S. 7° 30′ E., 814.947 feet to the northwesterly line of "B" Street, thence along the northwesterly line of "B" Street S. 33° 48′ W., 264.0 feet to the northeasterly line of Humboldt Avenue, thence along the northeasterly line of Humboldt Avenue S. 56° 12′ E., 60.00 feet to the southeasterly

line of "B" Street, thence along the southeasterly line of "B" Street N. 33° 48′ E., 195.36 feet to the aforesaid westerly line of Railroad Avenue. Thence along the westerly line of Railroad Avenue, S. 7° 30′ E , 760.713 feet, thence crossing Railroad Avenue East 253.821 feet to the westerly boundary line of the lands granted to the City of Sausalito by Chapter 13 of the Statutes of 1951, thence along said boundary line North 100.02 feet to the northwesterly corner of said tract, thence continuing along said boundary East 600.0 feet to the northeast corner of said tract, thence leaving said tract N. 13° 22′ 48″ W., 1,020.566 feet to the southwesterly line of Railroad Avenue, if extended southeasterly, thence along said Avenue line, so extended, N. 56° 12′ W., 1,005 0 feet to the point of beginning. Subject to the Madden and Lewis lease.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

Use prescribed

(a) That said lands shall be used by said city, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance, and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatsoever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges.

Improvement

(b) That said lands shall be improved by said city within 10 years of the effective date of this act without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

No discrimination

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in

rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes. Rights reserved

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of Marin County, the area of state lands described in this act. Survey, etc

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CHAPTER 535

An act to amend Section 16273 of the Education Code, relating to the definition of school bus.

[Approved by Governor May 2, 1953 Filed with Secretary of State May 4, 1953] In effect September 9 1953

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

SECTION 1. Section 16273 of the Education Code is amended to read:

16273. A school bus is defined as a motor vehicle regularly used for the transportation of pupils of the public schools to and from school or to and from school activities and owned either by any school district or by any person, firm, association, partnership, or corporation, excepting motor vehicles of the pleasure car type designed for and when actually carrying not more than seven pupils and the driver, and excepting motor vehicles subject to and meeting all requirements of the Public Utilities Commission operated by carriers operating under the jurisdiction of the Public Utilities Commission, or operated by and under the exclusive jurisdiction of any municipally owned transit system, if said transit system meets all the safety requirements of the Public Utilities Commission, but not used exclu- "School bus"

sively for the transportation of public school pupils. When any vehicles, other than vehicles of the pleasure car type designed for and when actually carrying not more than seven pupils and the driver, are being used for the transportation of public school pupils the operators shall possess the qualifications required by the regulations for school bus operators.

CHAPTER 536

An act to repeal Section 27060 of the Government Code, relating to the treasurer's annual settlement with the auditor

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

Repeal

SECTION 1. Section 27060 of the Government Code is hereby repealed.

CHAPTER 537

An act to amend Sections 53601, 53602, 53603, 53604, 53605, and 53638 of the Government Code, relating to funds of local agencies.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 53638 of the Government Code is amended to read:

Limit on deposit

53638. The deposit shall not exceed the total of the paid-up capital and surplus, of any depositary.

SEC. 2. Section 53601 of said code is amended to read:

Permitted investments

53601. The legislative body of a local agency having money in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the local agency may invest such portion of the money as it deems wise or expedient in:

(a) Bonds issued by it including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by it or by a department, board, agency or authority thereof.

(b) United States Treasury notes, bonds, bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Treasury notes or bonds of this State or of any local agency within this State including bonds payable solely out of the revenues from a revenue-producing property owned, con-

trolled, or operated by the State or any local agency, or by a department, board, agency or authority thereof.

(d) Registered state warrants.

SEC. 3. Section 53602 of said code is amended to read:

53602. The legislative body shall invest only in notes, bonds, bills, certificates of indebtedness, or registered warrants which are legal investments for savings banks in the State.

SEC. 4. Section 53603 of said code is amended to read:

53603. The legislative body may make the investment by direct purchase of any issue of eligible securities at their original sale or after they have been issued. Purchase

SEC. 5. Section 53604 of said code is amended to read:

53604. The legislative body may sell, or exchange for other eligible securities, and reinvest the proceeds of, the securities purchased. Sale, etc

SEC. 6. Section 53605 of said code is amended to read:

53605. From time to time, the legislative body shall sell the securities so that the proceeds may be applied to the purposes for which the original purchase money was placed in the sinking fund or the treasury of the local agency.

CHAPTER 538

An act to repeal Section 24053 of the Government Code, relating to a requirement that all county officers know the condition of the treasury and the claims against it.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 24053 of the Government Code is hereby repealed. Repeal

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CHAPTER 539

An act to amend Sections 16374 and 29820 of the Government Code, relating to the payment of warrants.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 29820 of the Government Code is amended to read:

29820. When a warrant is presented for payment, if there is money in the treasury for that purpose, the treasurer shall pay it and stamp thereon or perforate therein the word "Paid" and the date of payment. Payment procedure

SEC. 2. Section 16374 of said code is amended to read:

Unclaimed money

16374. Whenever any money has been deposited in trust in the Treasury by any state agency because it has remained unclaimed, or the claimant cannot be found, the Treasurer shall hold it for the claimant for a period of two years and if it is not paid within that period, the amount so deposited shall revert to and become a part of the General Fund, except that the face amount of each unclaimed warrant deposited pursuant to Section 16373 shall revert and be credited by the Controller to the fund against which the warrant was drawn.

CHAPTER 540

An act to amend Sections 15502 and 15525 of the Corporations Code, relating to limited partnerships.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 15502 of the Corporations Code is amended to read:

Limited partnership formation Duplicate certificates

15502. (1) Two or more persons desiring to form a limited partnership shall

(a) Sign and acknowledge certificates in duplicate, which shall state

I. The name of the partnership,

II. The character of the business,

III. The location of the principal place of business,

IV. The name and place of residence of each member; general and limited partners being respectively designated,

V. The term for which the partnership is to exist,

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

XI. The right, if given, of the partners to admit additional limited partners,

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions

or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement, or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File one of said certificates in the clerk's office and file the other for record in the office of the recorder of the county in which the principal place of business of the partnership is situated, in a book to be kept for that purpose open to public inspection, and if the partnership has places of business situated in different counties, a copy of the certificate, certified by the recorder in whose office it is recorded, must be filed in the clerk's office and recorded in like manner in the office of the recorder in each such county. Filing

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph one.

SEC. 2. Section 15525 of said code is amended to read:

15525. (1) The writing to amend a certificate shall Writing to amend certificate

(a) Conform to the requirements of subdivision 1a of Section 15502 as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and acknowledged by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs one and two as a person who must execute the writing refuses to do so, may petition the superior court in the county where the principal place of the partnership is situated to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county recorder of the county in which the original certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or canceled when there is filed for record in the offices where the certificate is filed and recorded:

(a) A writing in accordance with the provisions of paragraph one or two, or

(b) A certified copy of the order of court in accordance with the provisions of paragraph four.

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act.

CHAPTER 541

An act to amend Section 674.5 of the Agricultural Code, relating to standards and labeling requirements for milk or milk products containing added product not derived from milk.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 674.5 of the Agricultural Code is amended to read:

Standards and labeling requirements

674.5. In addition to the standards for milk and milk products adopted in accordance with or pursuant to this division, the director is hereby authorized, after hearing, to adopt separate standards and labeling requirements for any milk or milk products to which is added a food product of a kind not derived from milk and for which combination of such food product with milk or milk products no standard has been established or otherwise provided for in this division.

Termination date

All definitions, standards and labeling requirements adopted under the provisions of this section shall expire on the ninety-first day after the final adjournment of the next general session of the Legislature.

CHAPTER 542

An act to amend Section 4828 of the Business and Professions Code, relating to license to practice veterinary medicine; declaring the urgency of this act, to take effect immediately.

In effect immediately

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 4828 of the Business and Professions Code is amended to read:

Veterinarian's license

4828. All veterinarians actually engaged and employed as such by the State, county, city, corporation, firm or individual are practicing veterinary medicine and shall secure a state license issued by the State Board of Veterinary Examiners; provided however, that veterinarians employed by the California Department of Agriculture as full-time veterinary meat inspectors shall not be required to have a license so long as they

Exemptions

do not practice any other branch of veterinary medicine. Notwithstanding the provisions of this section, a veterinarian employed to perform official veterinary services for the State, a county, city and county, or city, shall not be required to secure the state license herein required until 12 months after having entered the employment of such governmental agencies.

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

The spread of contagious disease among livestock would seriously endanger the agriculture industry and the health and safety of the people of this State. At the present time there is immediate danger of disease assuming epizootic proportions in this State with the result that gains previously made in controlling such diseases will be lost.

In order to prevent such an occurrence it is necessary to obtain the services of a sufficient number of veterinarians to fill positions now provided for. To assist in this regard it is necessary to waive veterinary license provisions for a period of time in order to induce other qualified veterinarians to enter state service.

CHAPTER 543

An act to add Section 829.9 to the Agricultural Code, relating to standards for fruits, nuts, and vegetables.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 829.9 is added to the Agricultural Code, to read:

829.9. Nothing in this chapter prohibits the preparation, packing, shipment or sale under permit of the director of fruits, nuts or vegetables not conforming to the count, arrangement or packing requirements of the standards prescribed in this chapter, if each container of such fruits, nuts or vegetables is conspicuously marked in letters not less than one-half inch in height, "Experimental Pack." Exemption for experimental pack

Application for such permit shall be made to the director at least 15 days before shipment, stating: (1) The name of the product, (2) the quantity intended to be shipped, (3) the description of the count, arrangement or method of packing to be used, and (4) the quantity of such product, if any, shipped by the applicant during the preceding year, or if no shipments of such product were made by the applicant during the preceding year, then an estimate of the total quantity which such applicant will ship during the current year. Permit applications

If the director finds that the count, arrangement or pack is not deceptive or misleading in any manner, he may issue to Permit

the applicant a permit for the shipment of a specified quantity of the product packed as described in the permit, within a specified period, not exceeding one year; subject to renewal for an additional year upon a proper showing to the director, without formal hearing, that the experiment has not been completed. If the applicant has shipped products of the kind specified in the application during the preceding year, no permit shall be issued for the shipment of such experimental packs of more than 5 percent of the quantity of any such product shipped by such person in the preceding calendar year.

Experimental pack

Any type of pack for which a permit has been issued, which is in containers uniformly marked as provided in this section, and not in excess of the quantities specified in the permit, shall be deemed an experimental pack within the meaning of this section.

CHAPTER 544

An act to add Sections 19406 and 19407 to the Revenue and Taxation Code, relating to personal income taxes, and providing for criminal penalties for failure to file returns or supplying false information with intent to evade tax.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 19406 is added to the Revenue and Taxation Code, to read:

Penalty Misdemeanor or felony

19406. Any person who, within the time required by or under the provisions of this part, wilfully fails to file any return or to supply any information with intent to evade any tax imposed by this part, or who, wilfully and with like intent, makes, renders, signs, or verifies any false or fraudulent return or statement or supplies any false or fraudulent information, is punishable by imprisonment in the county jail not to exceed one year, or in the state prison not to exceed five years, or by fine of not more than five thousand dollars ($5,000), or by both such fine and imprisonment, at the discretion of the court.

SEC. 2. Section 19407 is added to the Revenue and Taxation Code, to read:

Venue

19407. The place of trial for the offenses enumerated in this chapter of this code shall be in the county of residence or principal place of business of the defendant or defendants; provided, that if such defendant has no residence or principal place of business in this State, such trial shall be had in the County of Sacramento.

CHAPTER 545

An act to amend Section 25961 of, and to add Sections 25963 and 25964 to, the Revenue and Taxation Code, relating to taxation of banks, corporations, associations and Massachusetts or business trusts, and providing for criminal penalties for failure to file returns or supplying false information with intent to evade tax.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 25961 of the Revenue and Taxation Code is amended to read:

25961. Any individual or corporation or any officer or employee of any corporation, who, with intent to evade any tax or any requirement of this part, wilfully fails to file any return or to supply any information within the time required by or under the provisions of this part, or who, wilfully and with like intent, makes, renders, signs, or verifies any false or fraudulent return or statement or supplies any false or fraudulent information, is punishable by imprisonment in the county jail not longer than one year or in the state prison not longer than five years or by fine of not more than five thousand dollars ($5,000), or by both such fine and imprisonment, at the discretion of the court.

Penalty Misdemeanor or felony

SEC. 2. Section 25963 is added to the Revenue and Taxation Code, to read:

25963 The place of trial for the offenses enumerated in this article of Chapter 12 of this code shall be in the county of residence or principal place of business of the defendant or defendants; provided, that if such defendant has no residence or principal place of business in this State, such trial shall be had in the County of Sacramento.

Venue

SEC. 3. Section 25964 is added to the Revenue and Taxation Code, to read:

25964. Any prosecution under this article shall be instituted within four years after the commission of the offense.

Statute of limitations

CHAPTER 546

An act to amend Section 1 of the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937), relating to the maintenance and construction of additional storm drain channels or structures.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1 of the Storm Drain Maintenance District Act is amended to read:

Storm drain maintenance district Formation

Section 1. Whenever the maintenance of storm drain improvements or of other watercourses or drainage channels within a territory in which provision therefor is not otherwise made by law, will protect property or promote the welfare, health or safety of the residents therein, the board of supervisors of the county in which said territory is located may create and govern a storm drain maintenance district comprising either unincorporated territory or both incorporated and unincorporated territory, as in this act provided. Such maintenance may include any or all of the following work: the cleaning, repairing, renewal, replacement, widening or straightening of existing storm drain structures, watercourses or drainage channels, and the installation of appurtenant structures when necessary for the adequate functioning of such drainage facilities. Said district may also construct additional storm drain channels or structures and maintain the same whenever necessary to provide proper and adequate drainage of the surface waters in the district.

Resolution of intention, notice, etc

The board of supervisors may by resolution declare its intention to form such territory into a storm drain maintenance district and thereupon shall fix a time and place for the hearing on the matter of such formation, which time shall be not less than 15 days or more than 60 days from the passage of said resolution, and shall direct the clerk of said board to publish a notice of such hearing, once a week for two successive weeks in a newspaper of general circulation, circulated in the territory which it is proposed to organize into such storm drain maintenance district, or if there is no newspaper circulated in said territory, then such publication shall be made in a newspaper of general circulation, circulated in the county in which said territory is located, which said board deems most likely to give notice to the inhabitants thereof, of the proposed formation of such district. The board shall also direct the clerk to cause said notice to be posted in three public places in said territory at least 10 days prior to the date set for such hearing. Said notice shall be headed "Notice of the proposed formation of storm drain maintenance district No. _____" (stating the number of the proposed district), which heading, in said notice as posted, shall be in letters of not less than one inch in height. Said notice as published and posted shall state the fact that the board of supervisors of said county has fixed the time and place (which shall be stated in said notice) for a hearing on the matter of the formation of a storm drain maintenance district. Said notice shall set forth the exterior boundaries of the territory which in the opinion of said board will be benefited, and which is proposed to be organized into a storm drain maintenance district.

The board shall also direct the clerk to mail notices of the proposed formation of said storm drain maintenance district to all persons owning real property proposed to be assessed, whose names and addresses appear on the last equalized county assessment roll for county taxes prior thereto, but mailing

of such notices shall not be essential to obtaining jurisdiction by the board of supervisors, and the failure so to do shall not affect in any manner the validity of any proceeding taken hereunder.

Such notice shall contain a statement of the time, place and purpose of the hearing on the resolution, with a statement that any person interested may file objection as provided in this act, which notice shall be mailed at least ten (10) days prior to the date set for such hearing.

CHAPTER 547

An act to add Sections 20952.5 and 21264 to the Government Code, relating to the State Employees' Retirement System in respect to local safety members thereof.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 20952.5 is added to the Government Code, to read:

Local safety member retirement

20952.5. Notwithstanding the provisions of Section 20952, a local safety member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of continuous state service.

However, if a local safety member retires before attaining the minimum age of voluntary retirement which would be applicable to him if this section had not been enacted, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to that minimum age will purchase at the actual age of retirement.

Exemption

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 2. Section 21264 is added to said code, to read:

Payment after death

21264. Upon the death of a local safety member after the effective date of this section and after retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding the portion of said allowance derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviv-

ing wife. 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 18 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 18 years. Should said member leave no surviving wife and no children under the age of 18 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 at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21264.

Exemption

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 548

An act to amend Section 11374 of the Government Code, relating to regulations and the scope and validity of regulations adopted by state agencies.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 11374 of the Government Code is amended to read:

Validity of regulations

11374. Whenever by the express or implied terms of any statute a state agency has authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute, no regulation adopted is valid or effective unless consistent and not in conflict with the statute and reasonably necessary to effectuate the purpose of the statute.

Any existing rules or regulations conflicting with this section are hereby repealed.

CHAPTER 549

An act to amend Sections 6651 and 6658 of the Welfare and Institutions Code, relating to charges for the care and treatment of patients of state hospitals for the mentally ill in the Department of Mental Hygiene.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6651 of the Welfare and Institutions Code is amended to read:

6651. The monthly rate for the care, support, and maintenance of all mentally ill or insane persons and inebriates at the state hospitals for the mentally ill where there is liability to pay for such care, support, and maintenance, shall be determined by the Director of Mental Hygiene, and shall be payable in advance. The Director of Mental Hygiene may reduce, cancel or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any mentally ill or insane person or inebriate who is a patient of a state hospital for the mentally ill, on satisfactory proof that the estate or relatives, as the case may be, are unable to pay the cost of such care, support, and maintenance. In any case where there has been an advance payment under this section, and such advances or any part thereof should be refunded because of the death, leave of absence, parole, or discharge of any inmate of such institution, such amount shall be paid by the institution or the Department of Mental Hygiene to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law. If any mentally ill or insane person or inebriate dies at any time while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

Rate

Refund

Claims

SEC. 2. Section 6658 of said code is amended to read:

6658. The Department of Mental Hygiene may in its own name bring an action to enforce payment for the cost and charges of transportation of a person to a state hospital against any person, guardian or relative liable for such transportation. The department also may in its own name bring an action to recover for the use and benefit of any state hospital or for the State the amount due for the care, support, maintenance, and expenses of any patient or inmate therein, against any county, or officer thereof, or against any person, guardian, or relative, liable for such care, support, maintenance, or expenses.

Action to enforce payment

CHAPTER 550

An act to amend Section 3300.5 of the Health and Safety Code, relating to the tuberculosis subsidy from the State to cities, counties and cities and counties.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 3300.5 of the Health and Safety Code is amended to read:

Tuberculosis subsidy

3300.5. Each city, county, or city and county shall receive from the State the sum provided in Section 3301.5 of this code for each person suffering from tuberculosis, cared for at public expense in private hospitals or sanatoriums under contract with the city, county or city and county, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support; except that the city, county, or city and county is not entitled to receive this state aid unless the tuberculosis ward, hospital or sanatorium conforms to the regulations of and is approved by the State Department of Public Health.

The hospitals and sanatoriums shall be allowed to receive pay patients.

CHAPTER 551

An act to amend Sections 2810 and 8140 of the Elections Code, relating to the nomination and election of presidential electors.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 2810 of the Elections Code is amended to read:

Nomination and election of presidential electors

2810. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the State is then entitled to and shall certify the name of each elector so nominated, his residence and his business address to the Secretary of State. The Secretary of State shall notify each candidate for elector of his nomination by the convention. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election. The names of the candidates for electors of President and Vice President shall not be printed upon the ballot. The votes cast for candidates for President and Vice

President of each party shall be counted for the candidates for presidential electors of the presidential candidate's party.

SEC. 2. Section 8140 of said code is amended to read:

8140. On the last Monday in the month of the election, or as soon as the returns have been received from all the counties in the State, if received before that time, the Secretary of State shall compare and estimate the votes given for electors, and certify to the Governor the names of the proper number of persons having the highest number of votes The Secretary of State shall thereupon issue and transmit to each such elector a certificate of election. The certificate shall be accompanied by a notice of the time and place of the meeting of the electors and a statement that each elector will be entitled to a per diem and mileage in the amounts specified in Section 10558.

Certificates of election, etc

CHAPTER 552

An act to amend Section 3800 of the Labor Code, relating to construction permit requirements.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953]

In effect September 9, 1953

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

SECTION 1. Section 3800 of the Labor Code is amended to read:

3800. Every county or city which requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition or repair of any building or structure shall require that each applicant for such permit have on file or file

Construction permits

(1) A certificate of consent to self-insure issued by the Director of Industrial Relations, or

(2) A certificate of workmen's compensation insurance issued by an admitted insurer, or

(3) An exact copy or duplicate thereof certified by the director or the insurer.

The certificate of insurance shall state that there is in existence a valid policy of workmen's compensation insurance in a form approved by the Insurance Commissioner. The certificate shall show the expiration date of the policy. No insurer shall issue such certificate unless the full deposit premium on the policy has been paid, and the insurer shall give the county or city at least 10 days' advance notice of the cancellation of the policy.

This section shall not apply if

Exemptions

(1) The permit is for one hundred dollars ($100) or less, or

(2) The applicant for the permit signs a certificate which reads as follows, or the wording of which has been approved by the Director of Industrial Relations:

"I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California."

If, after making such certificate, the applicant for the permit should become subject to the workmen's compensation provisions of this code, he shall forthwith comply with the provisions of Section 3700 or his permit shall be deemed revoked.

CHAPTER 553

An act to amend Section 5801 of the Labor Code, relating to workmen's compensation.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 5801 of the Labor Code is amended to read:

Contents of award

5801. The commission in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability payment to be made and order payment thereof during the continuance of disability.

In the event the injured employee or the dependent of a deceased employee prevails in any petition by the employer for a writ of review from an award of the commission and the reviewing court finds that there is no reasonable basis for the petition, it shall remand the cause to the commission for the purpose of making a supplemental award awarding to the injured employee or his attorney, or the dependent of a deceased employee or his attorney a reasonable attorney's fee for services rendered in connection with the petition for writ of review. Any such fee shall be in addition to the amount of compensation otherwise recoverable and shall be paid as part of the award by the party liable to pay such award.

CHAPTER 554

An act to amend Section 5003 of the Labor Code, relating to workmen's compensation.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 5003 of the Labor Code is amended to read:

5003. Every release or compromise agreement shall be in writing and duly executed, and the signature of the employee or other beneficiary shall be attested by two disinterested witnesses or acknowledged before a notary public. The document shall specify: Release or compromise agreements

(a) The date of the accident.

(b) The average weekly wages of the employee, determined according to Chapter 1 of Part 2 of this division.

(c) The nature of the disability, whether total or partial, permanent or temporary.

(d) The amount paid, or due and unpaid, to the employee up to the date of the release or agreement or death, and the amount of the payment or benefits then or thereafter to be made.

(e) The length of time such payment or benefit is to continue.

CHAPTER 555

An act to amend Sections 96 and 4900 of the Labor Code, relating to assignments to the Labor Commissioner.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 96 of the Labor Code is amended to read:

96. The Labor Commissioner and his deputies and representatives authorized by him in writing may take assignments of: Assignments to Labor Commissioner

(a) Wage claims and incidental expense accounts and advances.

(b) Mechanics' and other liens of employees.

(c) Claims based on "stop orders" for wages and on bonds for labor.

(d) Claims for damages for misrepresentations of conditions of employment.

(e) Claims against employment agencies or their bondsmen

(f) Claims for unreturned bond money of employees.

(g) Claims for penalties for nonpayment of wages.

(h) Claims for the return of workmen's tools in the illegal possession of another person.

(i) Claims for vacation pay, severance pay, or other compensation supplemental to a wage agreement.

(j) Awards for workmen's compensation benefits in which the Industrial Accident Commission has found that the employer had failed to secure payment of compensation and where the award remains unpaid more than 10 days after having become final.

Assignability of compensation claims

SEC. 2. Section 4900 of the Labor Code is amended to read:

4900. No claim for compensation, except as provided in Section 96, is assignable before payment, but this provision does not affect the survival thereof.

CHAPTER 556

An act to repeal Section 19595 of the Business and Professions Code, relating to pari-mutuel wagering.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

Repeal

SECTION 1. Section 19595 of the Business and Professions Code is hereby repealed.

CHAPTER 557

An act to amend Section 2376.5 of the Business and Professions Code, relating to practice of the healing arts.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 2376.5 of the Business and Professions Code is amended to read:

Petition to reinstate certificate

2376.5. A person, whose certificate has been revoked or suspended for more than one year, may petition the board to reinstate the certificate after a period of not less than one year has elapsed from the date of the revocation or suspension.

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from physicians and surgeons licensed by the board to which the petition is addressed and by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole.

Determination by board

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense

for which he was disciplined, his activity during the time his certificate was in good standing, his general reputation for truth, professional ability and good character, and may require the petitioner to pass an oral examination. The affirmative vote of at least seven-tenths of the members of the board is necessary to set aside a penalty and to restore a certificate with or without terms, conditions and restrictions. The board may grant or deny, without a hearing or argument, any petition filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of two years immediately preceding the filing of such petition.

Records

The secretary-treasurer shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section and he shall certify notices to the proper county clerk. The county clerk shall make such changes on his records as may be necessary.

CHAPTER 558

An act to amend Section 2313 of the Business and Professions Code, relating to applicants for a physician's and surgeon's certificate.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2313 of the Business and Professions Code is amended to read:

Evidence of character, etc

2313. He shall submit evidence satisfactory to the board that he is of good moral character and that he has not failed in a written or oral examination given by the board for a similar certificate under this chapter or any preceding medical practice act of this State.

CHAPTER 559

An act to amend Section 2191 of the Business and Professions Code, relating to applicants for a physician's and surgeon's certificate.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2191 of the Business and Professions Code is amended to read:

Premedical training

2191. Each applicant shall present evidence satisfactory to the board that he has completed a two-year resident course of

college grade, including the subjects of physics, chemistry, and biology, before commencing the study of medicine. An applicant matriculating in a medical school after January 1, 1954, shall present evidence satisfactory to the board of having completed a three-year resident course of college grade, including the subjects of physics, chemistry, and biology, before commencing the study of medicine.

CHAPTER 560

An act to amend Sections 2135, 2340, and 2343 of the Business and Professions Code, relating to the practice of the healing arts.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 2135 of the Business and Professions Code is amended to read:

Certificates

2135. The board shall issue two forms of certificates under its seal and signed by two members of the board. These certificates shall be designated as:

(a) Physician's and surgeon's certificate.

(b) Certificate to practice chiropody.

The physician's and surgeon's certificate may also be issued as a reciprocity certificate.

SEC. 2. Section 2340 of said code is amended to read:

Registration of certificate

2340. Every person holding a certificate under the laws of this State authorizing him to practice any system or mode of treating the sick or afflicted in this State shall have it registered in the office of the county clerk of every county in which he is practicing his profession. The fact and date of registration shall be endorsed on the certificate by the county clerk registering the same.

SEC. 3. Section 2343 of said code is amended to read:

Penalty

2343. Any person holding a certificate who shall practice or attempt to practice any system or mode of treating the sick or afflicted in any county of this State after the expiration of 30 days from the date he commenced to practice in such county, without having first registered his certificate with the county clerk, as required under Section 2340, is guilty of a misdemeanor.

CHAPTER 561

An act to amend Section 2553 of the Business and Professions Code, relating to dispensing opticians.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 2553 of the Business and Professions Code is amended to read:

2553. If the board, after investigation, approves such application and finds the applicant to be competent and qualified to engage in the business of dispensing optician it shall register such applicant and issue to the applicant a certificate of dispensing optician. If the board does not so determine it shall deny the application. A separate certificate of registration shall be required for each address where the business is to be conducted Such certificate authorizes the applicant, its agents and employees acting therefor without further license, to engage in the business defined in Section 2550 of this code. Such certificate of registered dispensing optician shall be at all times displayed in a conspicuous place at the place of business licensed. Such certificate shall not be transferable, but on application to the Board of Medical Examiners there may be registered a change of address of such certificate.

Certificate of dispensing optician

CHAPTER 562

An act to add Section 32100.6 to the Health and Safety Code, relating to the recall of members of the board of directors of hospital districts.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953]

In effect September 9, 1953

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

SECTION 1. Section 32100.6 is added to the Health and Safety Code, to read:

32100.6. All or any of the members of the board of directors may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 of Division 13 of the Elections Code.

Recall

CHAPTER 563

An act to amend Section 11422 of the Government Code, relating to the effective filing date of administrative regulations.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953]

In effect September 9, 1953

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

SECTION 1. Section 11422 of the Government Code is amended to read:

11422. A regulation or an order of repeal required to be filed with the Secretary of State shall become effective on the thirtieth day after the date of filing unless:

Effective date of regulation or order of repeal

(a) Otherwise specifically provided by the statute pursuant to which the regulation or order of repeal was adopted, in

which event it becomes effective on the day prescribed by such statute.

(b) It is a regulation prescribing an agency's organization or procedure, in which event it shall become effective upon filing or upon any later date specified by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.

(c) It is an emergency regulation or order of repeal adopted pursuant to subdivision (b) of Section 11421, in which case the finding and the statement of the facts constituting the emergency shall be filed with the Secretary of State together with the emergency regulation or order of repeal, which shall, in that event only, become effective upon filing or upon any later date specified by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.

(d) A later date is prescribed by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.

CHAPTER 564

An act to amend Section 11590 of the Business and Professions Code, relating to subdivision maps and the dedication of streets thereon.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 11590 of the Business and Professions Code is amended to read as follows:

Certificate of dedication

11590. In event of dedication, there is required a certificate, signed and acknowledged by those parties having any record title interest in the land subdivided, offering certain parcels of land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.

The certificate may state that any certain parcel or parcels are not offered for dedications. However, a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants. In the event the streets or any of them shown on a subdivision map are not offered for dedication the certificate may contain a statement to this effect. If such statement appears on the map, and if the map is approved by the local governing body, the use of any such street or streets by the public shall be permissive only.

CHAPTER 565

An act to amend Section 11587 of the Business and Professions Code, relating to omission of signatures of owners of certain types of interests upon subdivision maps.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11587 of the Business and Professions Code is amended to read:

Conditions authorizing omission of signatures

11587. Signatures required by this article, of parties owning the following types of interests, may be omitted if their names and the nature of their respective interests are endorsed on the map:

(a) Rights of way, easements or other interests, none of which can ripen into a fee and which signatures are not required by the governing body.

(b) Rights of way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of the signatures shall also be endorsed on the map.

(c) Interests in or rights to minerals, including but not limited to oil, gas, or other hydrocarbon substances, if (1) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (2) the use of the land, or the surface thereof, in connection with the ownership of such interests or rights is prohibited by zoning or other governmental regulations of the governing body and the signatures of the owners of such interests or rights are waived by the governing body.

CHAPTER 566

An act to amend Section 31521 of the Government Code, relating to county employee retirement systems.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 31521 of the Government Code is amended to read:

Compensation

31521. The board of supervisors may provide that the fourth and fifth members, and in counties having a board consisting of seven members, the fourth, fifth and sixth members, shall receive compensation at a rate of not more than twenty-five dollars ($25) a meeting for not more than three meetings per month.

CHAPTER 567

An act to amend Sections 32001 and 32002 of the Health and Safety Code, relating to hospital districts and validating certain proceedings with respect to such districts.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 32001 of the Health and Safety Code is amended to read:

Organization of district

32001. A local hospital district may be organized, incorporated and managed, may annex or exclude territory, or consolidate with other such districts or may be dissolved, as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this district need not be contiguous but the territory of a municipal corporation shall not be divided.

SEC. 2. Section 32002 of said code is amended to read:

Manner of formation etc., of local hospital districts

32002. The manner of formation of local hospital districts, the conducting of elections, the annexation and exclusion of territory and the consolidation and dissolution of such districts unless otherwise provided herein shall be as in the manner provided by Chapter 1, Title 6 of the Government Code. All of the provisions of said chapter are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. For the purposes of said chapter, the requisite number of petitioners or protestants in a proceeding for the exclusion of territory from the district shall be, unless otherwise prescribed in this division, 15 percent of the total number of registered voters in the territory affected by the petition or proposal but not less than 15, such number to be determined by the clerk as of the date that he affixes his certification to the petition.

Retroactivity

SEC. 3. Any proceedings for the exclusion or consolidation of territory taken prior to the effective date of this act by any hospital district formed under Division 23 of the Health and Safety Code, shall be valid for all purposes if taken in accordance with Section 32002 of said code as amended by this act.

CHAPTER 568

An act to amend Section 327 of the Revenue and Taxation Code, relating to property taxation.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 327 of the Revenue and Taxation Code is amended to read:

327. Where any county or county officer possesses a complete, accurate map of any land in the county, or whenever such a complete, accurate map has been made in compliance with Sections 27556 to 27560, inclusive, of the Government Code, the assessor may number or letter the parcels in a manner approved by the board of supervisors. The assessor may renumber or reletter the parcels or prepare new map pages for any portion of such map to show combinations or divisions of parcels in a manner approved by the board of supervisors, so long as an inspection of such map will readily disclose precisely what land is covered by any particular parcel number or letter in the current or any prior fiscal year. This map or copy shall at all times be publicly displayed in the office of the assessor.

County assessor Revision of maps

Land may be described by a reference to this map except that land shall not be described in any deed or conveyance by a reference to any such map unless such map has been filed for record in the office of the county recorder of the county in which such land is located.

All such maps in the possession of county assessors on August 27, 1937, and used for assessment purposes only, are deemed to have been numbered or lettered and approved properly.

CHAPTER 569

An act to amend Section 31 of the Revenue and Taxation Code, relating to reciprocity with other states in the collection of taxes.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953]

In effect September 9, 1953

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

SECTION 1. Section 31 of the Revenue and Taxation Code is amended to read:

31. The Attorney General or an appropriate official of any political subdivision of this State may bring suits in the courts of other states to collect taxes legally due this State or any political subdivision thereof. The officials of other states which extend a like comity to this State are empowered to sue for the collection of such taxes in the courts of this State. A certificate by the Secretary of State under the Great Seal of the State that such officers have authority to collect the tax is conclusive evidence of such authority. This section does not apply to Parts 8 and 9 of Division 2.

Enforcement of tax liabilities

CHAPTER 570

An act to amend Section 43069 of the Government Code, relating to the powers of sixth class cities.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 43069 of the Government Code is amended to read:

Annual property tax for embankments, etc

43069. In a city which constructs embankments, sea walls, storm drains or other flood control works, the legislative body may levy and collect an annual property tax not to exceed twenty cents ($0.20) on each one hundred dollars ($100). When collected, this tax shall be kept in a separate fund and used exclusively for the purpose for which levied. This tax is in addition to the taxes authorized to be levied and collected pursuant to this article.

CHAPTER 571

An act to amend Section 14 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to the appointment of election board, notice of election, appointment of sole nominees without election, petitions for election, notice of abandonment of election, furnishing of ballots, conduct of election.

In effect September 9, 1953

[Approved by Governor May 2, 1953 Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 14 of the Water Conservation Act of 1927 is amended to read:

Elections

Sec. 14. Appointment of Election Board: Notice of Election: Appointment of Sole Nominees Without Election: Petitions for Elections: Notice of Abandonment of Election: Furnishing of Ballots: Conduct of Election. (a) At a meeting of the board of directors of the district, to be held not less than 35 days before the time for any biennial election of officers, the board shall divide the district into convenient election precincts, appoint election boards, and do all things (applicable thereto) for the holding of such election, in the manner herein required to be done by the board of supervisors for the holding of an election on the question of formation of district.

Notice

The clerk of the board of directors shall cause notice of such election to be given by having such notice published and posted in the manner required by this act for giving notice of election on formation of district, excepting that the notice shall be published once a week for not less than two weeks, pursuant to

Section 6066 of the Government Code. Such publication shall commence not more than 30 days and not less than 20 days before the date of election. Such notice shall be posted as required by this act not later than the day publication commences and in addition shall be likewise posted in the office of the board of directors. Such notice shall designate the directoral positions to be filled, the term for which each is to be elected, the respective election precincts and the polling place in each, the election officers, the time of the election and the hours during which the polls will be kept open.

Sole nominee to be appointed

(b) If no more than one nomination has been made for any directoral position to be filled, no election shall be held with respect to such directoral position, and the board of directors at its first meeting after the election date shall appoint such sole nominee to the position to be filled, unless within 10 days after the first publication of the notice of election a petition requesting the holding of the election and signed by at least twenty-five percent (25%) of the voting strength of the directoral division or, if there be none, of the district has been filed with the clerk of the district.

Notice of abandonment of election

(c) If there shall be but one nominee for any directoral position and no petition requiring the holding of an election with respect thereto, the board of directors shall cause a notice of abandonment of election to be published (one time) pursuant to Section 6061 of the Government Code, such publication to be made not later than the fifth day before the election date previously determined.

Ballots

(d) No particular form of ballot shall be required to be used. The clerk shall, however, furnish ballots which shall contain the names of the candidate for the offices who shall be endorsed by petition signed as hereinbefore provided and filed with the clerk of the board of directors within seven days after the first publication of the notice of election. The ballot shall contain as many blank spaces as there are directors to be elected. The election shall be conducted in the manner herein required for the conduct of elections on the formation of districts.

CHAPTER 572

An act to add Section 5407.5 to the Labor Code, relating to workmen's compensation.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5407.5 is added to the Labor Code, to read:

Time limit for reduction of compensation proceedings

5407.5. The period within which may be commenced proceedings for the reduction of compensation on the ground of

serious and wilful misconduct of the employee, under provisions of Section 4551, is as follows:

(a) Twelve months from the date of injury. However, this limitation shall not apply in any case where the employee has commenced proceedings for the increase of compensation on the ground of serious and wilful misconduct of the employer.

CHAPTER 573

An act to amend Sections 340, 353, 353.8, 354, 359.5, 364, and 364.1 of, to repeal Section 353.3 of, and to add a new Section 359.10 to, the Agricultural Code, relating to fees and licenses for hide and brand inspection and slaughter of cattle.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

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

Transfer of brand fee

340. The fee for recording the transfer of a brand is two dollars ($2) and shall include a new certificate.

SEC. 2. Section 353 of said code is amended to read:

Date brand inspection fees due

353. All brand inspection fees are due and payable at the time of inspection and the amount due for all inspections made shall be paid to the inspector within fifteen (15) days after the issuance of the brand inspection certificates therefor unless there is on deposit with the bureau a bond in an amount and form approved by the chief or a cash deposit to cover the payment of such fees. Any fees due and payable for brand inspections made and remaining unpaid or not having been paid as required by this section may be recovered by the director in accordance with the provisions of Section 28.6 of this code.

Repeal

SEC. 3. Section 353.3 of said code is hereby repealed.

SEC. 4. Section 353.8 of said code is amended to read:

Fee for inspection certificate for cattle shipped

353.8. Cattle may be shipped from a public stockyard or from a public sales yard to another public stockyard or public sales yard if the shipment is accompanied by a duplicate California brand inspection certificate releasing the shipment from the prior public stockyard or public sales yard to another public stockyard or public sales yard designated in said certificate, but the cattle shall be inspected before being offered for sale at such designated public stockyard or public sales yard, a brand inspection certificate issued, and the fee shall be eight cents ($0.08) for each animal; but if such duplicate certificate does not accompany the shipment, on presentation of proof of ownership, satisfactory to the bureau, the cattle shall be inspected prior to being offered for sale at such public stockyard or public sales yard, and the fee shall be thirteen cents ($0.13) for each animal inspected prior to being offered for sale except as

provided in Section 353.10. The fees required by this section shall be paid by the person or his agent consigning the cattle to said market.

SEC. 5. Section 354 of said code is amended to read:

354. The total of all fees collected upon the same cattle moving from points within this State through one public stockyard which is posted by the Secretary of Agriculture of the United States or through one public sales yard shall not exceed twenty-five cents ($0 25) per head for all inspection including inspection at point of shipment, en route, or at first destination, inspection upon release from a public stockyard or a public sales yard and inspection at place of slaughter. Maximum fee

SEC. 6. Section 359.5 of said code is amended to read:

359.5. The applicant shall pay to the bureau the following annual fees in advance: Payment in advance

(a) For each slaughterhouse at which he slaughters less than 51 heads per month, twenty dollars ($20).

(b) For each slaughterhouse at which he slaughters 51 or more and less than 101 heads per month fifty dollars ($50).

(c) For each slaughterhouse at which he slaughters 101 or more heads per month, one hundred dollars ($100).

The annual fee shall be reduced one-fourth for each quarter of the current calendar year which has expired prior to the effective date of such license. No license shall be issued for a quarter of a year unless the same is the only remaining unexpired quarter of the current calendar year at the effective date of the license. Reduction of fee

SEC. 7. Section 359.10 is added to said code, to read:

359.10. It is unlawful for a licensed slaughterer to slaughter cattle unless his bond is in force and valid at the time of slaughter. Bond

SEC. 8. Section 364 of said code is amended to read:

364. No person shall engage as a business in the sale of cattle at a public sales yard unless he has procured from the bureau a license to carry on such business at each such sales yard, and has executed for each such sales yard a bond to the State in the sum of one thousand dollars ($1,000), to be approved by the director, conditioned that such person shall not sell any cattle without first being the owner thereof or being authorized to do so by such owner and that, in case he does sell any cattle without being the owner thereof or authorized so to do, he shall, in addition to all other statutory penalties, pay the value of such animals. All amounts recovered upon said bond shall be paid to the owner of the animal or animals. Sale of cattle at public sales yard Bond and license

SEC. 9. Section 364.1 of said code is amended to read:

364.1. The bureau shall grant to every applicant who complies with the provisions of this article and the rules and regulations promulgated for its enforcement, a separate license to operate each sales yard for the balance of the current calendar year upon the payment of a fee of one hundred dollars ($100) for each such sales yard. Stockyards posted by the United States Separate license for each sales yard

Exemptions

Department of Agriculture under the Packers and Stockyards Act are exempt from the license provisions of this article.

CHAPTER 574

An act to amend Section 160.96 of the Agricultural Code, relating to financial responsibility in pest control operations.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 160.96 of the Agricultural Code is amended to read:

Verified report of loss

160.96. Any person suffering loss or damage resulting from the use or application by others of any pesticide, or of any substance, method or device for pesticidal purposes or for the purpose of preventing, destroying, repelling, mitigating or correcting any disorder of plants or for the purpose of inhibiting, regulating, stimulating or otherwise altering plant growth by direct application to plants must, within sixty (60) days from the time that the occurrence of such loss or damage became known to him, or in the event a growing crop is alleged to have been damaged, prior to the time fifty percent (50%) of said crop shall have been harvested; provided, such loss or damage was known, file with the county commissioner of the county in which the loss or damage, or some part thereof, is alleged to have occurred, a verified report of loss setting forth so far as known to the claimant the following: name and address of claimant, type, kind and location of property allegedly injured or damaged, date the alleged injury or damage occurred, name of pest control operator allegedly responsible for such loss or damage, and name of the owner or occupant of the property for whom such pest control operator was rendering labor or services.

The filing of such report or the failure to file such report need not be alleged in any complaint which might be filed, and the failure to file the report as herein provided for shall not be a bar to the maintenance of a civil action for the recovery of damages for such loss or damage.

Failure to file

Proof of failure to file the report herein required shall create a rebuttable presumption that no such loss or damage occurred.

"Pesticide"

"Pesticide" means any economic poison as defined in Section 1061 of this code.

CHAPTER 575

An act to amend Section 1071 of the Agricultural Code, relating to economic poison registration and license fees therefor.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 1071 of the Agricultural Code is amended to read:

1071. Every manufacturer of, importer of, or dealer in any economic poison, except dealers or agents selling economic poison which has been registered by the manufacturer or wholesaler thereof and persons selling raw material to manufacturers of economic poisons, before the same is offered for sale shall obtain a license from the department. The annual fee is seventy-five dollars ($75), payable to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in 10 variously labeled economic poisons of varying name or composition, and for each such variety over 10 an additional fee of three dollars ($3) shall be paid. Persons manufacturing economic poisons which do not exceed a total retail value of five hundred dollars ($500) per annum shall pay an annual fee of fifteen dollars ($15) to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in two variously labeled economic poisons of varying name or composition, and for each such variety over two, an additional fee of three dollars ($3) shall be paid. County, state, and federal officers or employees selling economic poison at cost shall not be required to pay the fee.

License Manufacturers, etc., economic poisons

Fees

Exemptions

When any manufacturer, importer, or dealer in economic poisons has complied with this article and the rules and regulations provided for therein and applies for registration of economic poisons, and for a license, the director shall register each economic poison sought to be registered and issue a license to the applicant authorizing the manufacture and sale of such economic poison in the State. In the event the director finds that such registration cannot be permitted and the license cannot be issued, due to noncompliance with this article or the rules and regulations thereunder, he may after reasonable notice call a hearing for the purpose of determining whether the application shall be reconsidered or denied. All licenses and registrations expire on June 30th of each year and may be renewed after application in the manner provided for prior registration and licensing.

Registration of economic poisons

SEC. 2. The amendments made by this act to Section 1071 of the Agricultural Code shall be operative on and after July 1, 1954.

Operative date

CHAPTER 576

An act to add Section 7090.5 to the Business and Professions Code, relating to contractors.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7090.5 is added to the Business and Professions Code, to read:

7090.5 In the event a licensee commits a fraudulent act which is a ground for disciplinary action under Section 7116

Disciplinary action

of this article, the correction of any condition resulting from such act shall not in and of itself preclude the registrar from taking disciplinary action under this article.

CHAPTER 577

An act to amend Section 12142 of the Education Code, relating to the Public School System.

In effect September 9, 1953

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

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

SECTION 1. Section 12142 of the Education Code is amended to read:

Standards, certificates, credentials

12142. The State Board of Education may establish standards for, and issue, certificates and credentials for the following positions:

(a) Supervising the work of instructors.

(b) Supervising educational and vocational counseling and placement.

(c) Supervising the planning of courses of study.

(d) Supervising the selection, collection, preparation, classification, or demonstration of material for any course of study.

(e) Supervising the examination, selection, or assignment of teachers, principals, or other educational administrators.

(f) Supervising the preparation of budgets of funds to be used for educational purposes when this is the major function of a given position.

(g) Supervising the interpretation or evaluation from an educational standpoint of equipment, material, and housing when this is the major function of a given position.

(h) Supervising original research connected with the evaluation and the efficiency of the educational program.

(i) Administering or supervising the school health service.

(j) Administering or supervising the activities connected with the enforcement of the laws relating to compulsory education, coordination of child welfare activities involving the school and the home, and school adjustments of the socially maladjusted pupils.

(k) Administering or supervising the library service.

(*l*) Administering or supervising the production and distribution of visual aids, instruction in their use and evaluation of illustrative material.

(m) Administering and supervising menus and diet for the school cafeterias throughout the district.

(n) Administering or arranging institute sessions and other extracurricular educational activities.

(o) Supervising the interpretation and evaluation of school information in terms of educational significance and from an educational standpoint or viewpoint.

CHAPTER 578

An act to add Sections 5474 to 5474.10, inclusive, to the Health and Safety Code, relating to the imposition, levy and collection of fees or charges for connections to sanitation or sewerage facilities.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5474 is added to the Health and Safety Code, to read:

Charges for connecting to sewage system

5474. A county sanitation district shall have the power by ordinance approved by two-thirds vote of the members of the legislative body thereof to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities, to fix the time or times at which such fees or charges shall become due, to provide for the payment of said fees or charges prior to connection or in installments over a period of not to exceed 15 years, to provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges, and to provide that the amount of such fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which said facilities are connected. Prior to making such fees or charges a lien against the land, the legislative body shall give notice to the owners of the lots or parcels of land affected, which notice shall set forth the following:

Notice to owners

Contents

1. The schedule of fees or charges to be imposed by the district.

2. A description of the property subject to such fees or charges, which description may be by reference to a plat or diagram on file in the office of the clerk of the legislative body.

3. The time or times at which such fees or charges shall become due.

4. The number of installments in which such fees or charges shall be payable.

5. The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

6. That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

7. The time and place at which the legislative body will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

SEC. 2. Section 5474.1 is added to said code, to read:

Publication

5474.1. The notice shall be published once a week for three successive weeks prior to the date set for hearing, in a newspaper of general circulation, and at least 10 days prior to the date of hearing written notice thereof shall be mailed to all per-

sons owning land subject to such fees or charges, whose names and addresses appear on the last equalized county assessment roll.

SEC. 3. Section 5474.2 is added to said code, to read:

Protests

5474.2. At the time stated in the notice the legislative body shall hear and consider all objections or protests, if any, to the imposition of the fees or charges as set forth in said notice and may continue the hearing from time to time.

SEC. 4. Section 5474.3 is added to said code, to read:

Adoption, revision, etc of fees

5474.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify the fees or charges or may overrule any or all objections and make its determination, which determination shall be final.

SEC. 5. Section 5474.4 is added to said code, to read:

List of lots subject to charges

5474.4. On or before the tenth day of August of each year following such final determination, the legislative body shall certify to the auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll. In the event a lot or parcel connected to the facilities is subsequently divided into two or more lots or parcels as shown on the current assessment roll, the legislative body shall designate the lot or parcel that remains connected to the facilities and against which the installments of the fees or charges and interest are to be entered.

Division of lot subject to charges

SEC. 6. Section 5474.5 is added to said code, to read:

Charges constitute a lien

5474.5. The auditor shall enter on the current assessment roll the amounts of the installments of such fees or charges and interest and the amounts thereof shall constitute a lien against the lot or parcel of land against which levied as of noon on the first Monday in March immediately preceding the date of entry.

SEC. 7. Section 5474.6 is added to said code, to read:

County tax laws applicable

5474.6. The tax collector shall include the amounts of the installments of fees or charges and the interest on bills for taxes levied against the respective lots and parcels of land. Thereafter, all laws applicable to the levy, collection and enforcement of county taxes, including penalties and interest thereon and cancellation or refund thereof, shall be applicable to such installments of fees or charges and interest.

SEC. 8. Section 5474.7 is added to said code, to read:

Compensation to county for levy collection etc

5474.7. The tax collector may, in his discretion, issue separate bills for such installments of fees or charges and interest. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such installments of fees or charges and interest in an amount to be fixed by agreement between the board of supervisors and the legislative body of the district. The compensation shall not exceed 1 percent of all money collected for the district.

SEC. 9. Section 5474.8 is added to said code, to read:

Fees may differ

5474.8. Fees or charges imposed by a county sanitation district by ordinance adopted pursuant to Section 5474 may

differ in amount or method of computation from fees or charges imposed by any other ordinance of such district adopted pursuant to said Section 5474.

SEC. 10. Section 5474.9 is added to said code, to read:

5474.9. Revenues derived from fees or charges imposed pursuant to Section 5474 shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities, to pay municipalities for sewer service collection charges, to repay principal and interest on bonds issued for construction or reconstruction of such sanitation or sewerage facilities and to repay federal or state loans or advances made to such county sanitation districts for the construction or reconstruction of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers. Use of revenue

SEC. 11. Section 5474.10 is added to said code, to read:

5474.10. The authority for the imposition of fees or charges by county sanitation districts pursuant to Section 5474 shall be in addition to the authority granted to such districts by Section 5471, Section 5473, and by any other law authorizing such districts to establish fees, tolls, rates, rentals or other charges. Additional authority

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CHAPTER 579

An act to add Section 23772.5 to the Revenue and Taxation Code, relating to the filing of returns for bank and corporation tax purposes.

[Approved by Governor May 2, 1953. Filed with Secretary of State May 4, 1953.] In effect September 9, 1953

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

SECTION 1. Section 23772.5 is added to the Revenue and Taxation Code, to read:

23772.5. An organization otherwise required to file the return specified in Section 23772 need not file it if its gross income does not exceed twenty-five thousand dollars ($25,000). Exemption

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CHAPTER 580

An act to add Section 276.5 to the Vehicle Code, relating to the continuance of licenses of persons in the United States armed forces.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 276.5 is added to the Vehicle Code, to read:

Continuance of driver's license during military service

276.5. Continuance of Licenses of Persons in the United States Armed Forces. A driver's license issued hereunder to any person who enters the United States armed forces, if valid and in force and effect at the time such person enters the service, shall continue in full force and effect so long as such service continues unless the same is sooner suspended, canceled or revoked for cause as provided by law, and for not to exceed 30 days following the date on which the holder of such driver's license is honorably separated from such service. Such license shall be valid only when in the immediate possession of the licensee while driving and the licensee has his discharge or separation papers in his immediate possession.

CHAPTER 581

An act to amend Section 2103 of the Education Code, relating to the compensation of members of boards of education.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 2103 of the Education Code is amended to read:

Boards of education Salaries

2103. In any school district situated wholly or partly within a city of the first and one-half class, each member of the city board of education shall receive as compensation for his services the sum of thirty dollars ($30) for each meeting of the board actually attended, not to exceed three hundred dollars ($300) in any one calendar month. A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts The compensation shall be a charge against the funds of the school district. If the city board of education is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

CHAPTER 582

An act to amend Section 13675 of the Education Code, relating to the compensation of school employees on sabbatical leaves of absence.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 13675 of the Education Code is amended to read:

13675. Every employee granted a leave of absence pursuant to Section 13673 may be required to perform such services during the leave as the governing board of the district, with the approval of the county superintendent of schools, and the employee may agree upon in writing, and the employee shall receive such compensation during the period of the leave as the governing board, with the approval of said county superintendent, and the employee may agree upon in writing, which compensation shall be not less than the difference between the salary of the employee on leave and the salary of a substitute employee in the position which the employee held prior to the granting of the leave and not more than one-half of the salary the employee would have received during the period of the leave if he had continued in his regular service during such period, except that if the governing board of any district has adopted a rule governing the payment of salaries to employees absent from duty because of illness, such board may, at its option, agree to pay employees taking leave of absence pursuant to Section 13673 compensation at the same rate as provided by the rule governing absences because of illness.

Compensation of school employees on leaves of absence

CHAPTER 583

An act to amend Section 1160 of the Harbors and Navigation Code, relating to pilots.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1160 of the Harbors and Navigation Code is amended to read:

1160. (a) The board shall renew the licenses of, or examine and license, not less than 20 nor more than 25 bar pilots, except that persons licensed as temporary bar pilots on January 1, 1949, and thereafter continuously licensed as such shall hereafter be licensed as permanent bar pilots, subject to the same tenure, duties and rights thereunder as other bar pilots. No further bar pilots' licenses, other than renewals, shall hereafter be issued when such issue would cause more than 25 such licenses to be in force.

Bar pilots Licenses

(b) Bar pilots have exclusive authority to pilot vessels from the high seas to the Bays of San Francisco, San Pablo and Suisun and the ports thereof, and from those bays and ports to the high seas. They also may pilot vessels between and within the ports of those bays, but such interior pilotage is not compulsory, nor is such interior pilotage prohibited to persons not licensed by the board.

Exclusive authority

(c) For the purpose of this section, "high seas" includes the Pacific Ocean and all the navigable waters of the Golden Gate,

"High seas"

westerly of a straight line drawn between Anita Rock and Yellow Bluff.

CHAPTER 584

An act to amend Section 28160 of the Government Code, relating to compensation for public services.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 28160 of the Government Code is amended to read:

Incumbent county officers Compensation

28160. The compensation provided by Sections 28101 to 28158, inclusive, of the Government Code shall be payable to incumbent officers. If it is not legally competent to pay the compensation provided by these sections to incumbent officers on the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature, such increase in compensation shall nevertheless be payable to the officers designated in these sections as soon as it is legally competent to do so.

CHAPTER 585

An act to amend Section 424 of the Education Code, relating to the salary of the county superintendent of schools of counties of the twenty-fourth class.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 424 of the Education Code is amended to read:

Humboldt County Superintendent of Schools Salary

424. The annual salary of the county superintendent of schools of a county of the twenty-fourth class is eight thousand dollars ($8,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 586

An act to add Section 25674 to the Revenue and Taxation Code, relating to taxation of banks, corporations, associations and Massachusetts or business trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 25674 is added to the Revenue and Taxation Code, to read:

25674. If a taxpayer is required to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or to file an amended return as required by Section 25432 and does report such change or files such return, any deficiency resulting from such adjustments may be assessed within six months from the date such notice or amended return is filed with the Franchise Tax Board by the taxpayer, or within the period provided in Sections 25663 and 25663c, whichever period expires the later. Assessments of deficiencies Time

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. Tax levy

SEC. 3. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31, 1952, 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. Effect Intent

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CHAPTER 587

An act to repeal Section 1601.5 of the Education Code, relating to formation and changes in territory and status of school districts.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1601.5 of the Education Code is repealed. Repeal

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CHAPTER 588

An act to amend Section 3406 of the Civil Code, relating to rescission of contracts.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 3406 of the Civil Code is amended to read:

3406. The rescission of a contract may be adjudged, on the application of a party aggrieved: Rescission of contracts

1. In any of the cases mentioned in Section 1689; or,

2. Where the contract is unlawful, for causes which do not appear in its terms or conditions, and the parties were not equally in fault; or,

3. When the public interest will be prejudiced by permitting it to stand.

CHAPTER 589

An act to amend Section 66 of the Vehicle Code, relating to the definition of an owner of a vehicle.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 66 of the Vehicle Code is amended to read:

"Owner"

66. "Owner." "Owner" is a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or pledges such vehicle; the person entitled to the possession of a vehicle as the purchaser under a conditional sale contract; the mortgagor of a vehicle; or the State, or any county, city, district or political subdivision of the State, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more.

CHAPTER 590

An act to amend Section 67 of the Vehicle Code, relating to the definition of the legal owner of a vehicle.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 67 of the Vehicle Code is amended to read:

"Legal owner"

67. "Legal Owner." "Legal owner" is a person holding the legal title to a vehicle under a conditional sale contract, the mortgagee of a vehicle, or the renter or lessor of a vehicle to the State, or to any county, city, district or political subdivision of the State, under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

CHAPTER 591

An act to amend Section 140 of the Vehicle Code, relating to violation of registration requirements.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 140 of the Vehicle Code is amended to read:

140. Misdemeanor to Violate Registration Requirements. It is a misdemeanor for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which the appropriate fee has not been paid as required hereunder, subject to such exceptions as are stated in this code.

Violation of registration requirements

This section does not apply:

Exemptions

(a) To the moving or operating of a vehicle not previously registered from a dealer's, distributor's, or manufacturer's place of business to a place where essential parts of the vehicle are to be altered or supplied.

(b) To the transportation of a vehicle upon a highway when no part of such vehicle is in contact with the highway.

(c) To the moving of a vehicle from a place of storage to another place of storage within a radius of 100 miles except that an unregistered trailer coach used as a place of abode shall not qualify for a special permit issued by the department unless current local taxes for value have been paid.

(d) To the moving of a vehicle which has been disabled as the result of an accident, for the purpose of repairs.

(e) To the moving or operating of a vehicle for the purpose of dismantling or wrecking the same and permanently removing it from the highways.

No vehicle shall be operated under the provisions of paragraphs (a), (c), (d) or (e) except under a special permit issued by the department.

Special permit

CHAPTER 592

An act to amend Section 374 of the Vehicle Code, relating to exemptions from registration fees.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 374 of the Vehicle Code is amended to read:

374. Exemptions from Registration Fees. (a) The fees specified in this code except fees for duplicate license plates, certificates or cards need not be paid for any vehicle of a type subject to registration hereunder owned by any foreign govern-

Registration fees Exemptions

ment or by a consul or other official representative thereof duly recognized by the United States Department of State, such exemption to be effective upon application for recognition made to said Department of State or by the United States or by any state or political subdivision thereof or by any municipality duly organized under the Constitution or laws of this State, nor for any like vehicle owned by a voluntary fire department organized under the laws of this State and used exclusively for fire-fighting purposes, nor for any like vehicle owned by and used exclusively in the operative work of any persons taxed for state purposes and exempt from the payment of license fees under the Constitution of this State (nor for any vehicle operated by the State, or by any county, city, district or political subdivision of the State, as lessee under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 days or more). (The exemption in this subsection pertaining to vehicles leased by the State, or by any county, city, district, or political subdivision of the State, under a lease, lease-sale, or rental-purchase agreement, is not applicable to any vehicle leased after the effective date of this section, as amended in 1940, which is used or maintained for the transportation of persons for hire, compensation, or profit.)

(b) The fees specified in this code except fees for duplicate license plates, certificates or cards need not be paid for any vehicle owned by an educational institution of collegiate grade not conducted for profit and having an enrollment of 5,000 students or more and having an acreage of 5,000 acres or more, if such vehicle is used for fire-fighting purposes within the limits of the acreage of such institution and is operated principally on roads owned by such institution.

License plates Distinguishing marks or symbols

(c) All such vehicles so exempt from the payment of registration fees shall be registered as otherwise required by this code by the person having custody thereof and such custodian shall display upon said vehicle a license plate or plates bearing distinguishing marks or symbols as hereinbefore specified which said plate or plates shall be furnished by the department free of charge.

CHAPTER 593

An act conveying certain tidelands and lands lying under inland navigable waters, situate in the Bay of San Diego to the City of Chula Vista, in furtherance of navigation and commerce and the fisheries, and providing for the government, management, and control thereof, reserving rights to the State.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

Grant and conveyance of tidelands to City of Chula Vista

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

SECTION 1. There is hereby granted and conveyed to the City of Chula Vista in the County of San Diego, State of Cali-

fornia, all of those certain tide and submerged lands of San Diego Bay, whether filled or unfilled, lying and being in the County of San Diego, State of California, and more particularly described as follows:

Description

From a point which is the quarter-section corner common to quarter sections 173, 174, 179, and 180 as established by Map 166 of Rancho De La Nacion in San Diego County, California, on file in the Office of the Recorder of San Diego County, filed on May 11, 1869, and as shown on Sheet 1 of Miscellaneous Map 217, filed in the Office of the County Recorder of San Diego County, State of California on September 25, 1950 and entitled "Survey of the Ordinary High Water Mark on the shore of San Diego Bay, Vicinity of Chula Vista, San Diego County, California," the bearings on said Miscellaneous Map 217 for this description being reduced to the "Old Town" basis by rotating the shown bearings counterclockwise through an angle of 00° 30′ 44″; thence south 71° 42′ 24″ west, 526.48 feet to the true point of beginning, said point being also the point of intersection of the northerly line of quarter section 180 with that straight line between Stations 71 and 72 of the Ordinary High Water Mark as shown on said Miscellaneous Map 217; thence south 12° 31′ 00″ east, 84 64 feet to Station 72; thence south 30° 12′ 00″ west, 769.43 feet to Station 73; thence south 02° 53′ 51″ east, 271.41 feet to Station 86; thence south 08° 43′ 18″ east, 140.15 feet to Station 87; thence south 20° 17′ 08″ east, 132.28 feet to Station 88; thence south 43° 31′ 37″ east, 300.27 feet to Station 89; thence south 35° 14′ 07″ east, 312 66 feet to Station 90; thence south 29° 16′ 57″ east, 297.15 feet to Station 91; thence south 79° 52′ 27″ east, 213.96 feet to Station 92; thence south 61° 06′ 37″ east, 176 18 feet to Station 93; thence south 80° 59′ 17″ east, 340.96 feet to Station 94; thence south 69° 10′ 47″ east, 587.65 feet to Station 96; thence south 59° 35′ 27″ east, 155 72 feet to Station 97; thence south 40° 09′ 57″ east, 266.81 feet to Station 98; thence south 31° 45′ 47″ east, 368.97 feet to Station 99; thence south 35° 15′ 47″ east, 351.39 feet to Station 100; thence south 26° 28′ 47″ east, 221.16 feet to Station 101; thence south 19° 38′ 17″ east, 234 35 feet to Station 102; thence south 31° 50′ 17″ east, 291.80 feet to Station 103; thence south 38° 30′ 47″ east, 328 05 feet to Station 104; thence north 84° 17′ 13″ east, 339 64 feet to Station 105; thence south 67° 30′ 47″ east, 228.92 feet to Station 106; thence south 38° 38′ 23″ east, 182.42 feet to Station 107; thence south 58° 58′ 45″ east, 297.86 feet to Station 108; thence south 41° 02′ 45″ east, 525.66 feet to Station 109; thence south 39° 14′ 15″ east, 344.36 feet to Station 110; thence south 30° 49′ 45″ east, 392 80 feet to Station 111; thence south 24° 48′ 45″ east, 233.28 feet to Station 112; thence south 21° 26′ 45″ east, 453 58 feet to Station 113; thence south 58° 15′ 45″ east, 230.77 feet to Station 114; thence south 22° 57′ 45″ east, 184 92 feet to Station 115; thence south 14° 42′ 45″ east, 489.74 feet to Station 116; thence south 04° 32′ 15″ east, 568 81 feet to Station 117; thence south 07° 34′ 15″ east, 578 93 feet to Station

118; thence south 03° 09′ 00″ west, 731.00 feet to Station 119; thence south 13° 07′ 30″ east, 323.49 feet to Station 120; thence south 08° 05′ 00″ west, 440.98 feet to Station 121; thence south 12° 11′ 00″ west, 496.11 feet to Station 122; thence south 09° 32′ 30″ west, 717.23 feet to Station 123; thence south 06° 16′ 30″ west, 197.28 feet to South Boundary Line Station, which is formed by the intersection of the Ordinary High Water Mark between Station 123 and Station 124 and a line which is 40.00 feet southerly from and parallel to the northerly boundary of the southwest quarter-quarter section of quarter section 169, quarter section 169 being shown on the aforementioned Map 166 of Rancho De La Nacion; said parallel line being also an extension westerly of the present southerly city limits of the City of Chula Vista; said intersection being north 06° 16′ 30″ east, 4.34 feet from Station 124; thence south 71° 40′ 10″ west, 947.99 feet to an intersection "D" formed by said southerly city limits and the Pierhead Line as shown on the U. S. Army Engineers' Map of "Harbor Lines, San Diego Bay, California," File No. 424, and approved by the Secretary of the Army on July 30, 1952, said intersection being north 18° 21′ 36″ west, 0.16 feet from Station 326 on said Pierhead Line; thence north 18° 21′ 36″ west, 6368.56 feet to Station 324; thence north 49° 43′ 23″ west, 3329.26 feet to Station 322; thence north 28° 52′ 51″ west, 1500.00 feet to Station 320; thence north 08° 02′ 19″ west, 3172.51 feet to Station "A," which is a point on the Pierhead Line between Stations 320 and 318; thence north 81° 57′ 41″ east, 1,000.00 feet to an intersection "B" with the Bulkhead Line shown on the aforementioned U. S. Army Engineers' Map No. 424; thence north 71° 43′ 29″ east, 2636.43 feet to Station "C"; thence south 09° 46′ 00″ west, 204.87 feet to Station 59 on the Mean High Tide Line as established by a recorded document "Agreement Arbitrating Ordinary High Water Mark" (State Lands Commission File N-6124) covering certain lands in National City, Chula Vista, and county territory between the two cities, and as delineated by Miscellaneous Map 185, filed October 16, 1946 in the Office of the County Recorder of San Diego County, State of California; thence south 27° 44′ 00″ west, 305.04 feet to Station 60; thence south 07° 59′ 00″ west, 201.96 feet to Station 61; thence south 34° 36′ 00″ west, 419.13 feet to Station 62; thence south 78° 29′ 00″ west, 225.52 feet to Station 63; thence north 81° 24′ 00″ west, 802.02 feet to Station 64; thence south 61° 10′ 00″ west, 200.91 feet to Station 65; thence south 10° 35′ 00″ west, 277.73 feet to Station 66; thence south 55° 24′ 00″ west, 140.91 feet to Station 67; thence north 65° 22′ 00″ west, 132.01 feet to Station 68; thence south 81° 22′ 00″ west, 146.66 feet to Station 69; thence south 01° 25′ 00″ east, 203.06 feet to Station 70; thence south 33° 18′ 00″ east, 227.39 feet to Station 71; thence south 12° 31′ 00″ east, 617.04 feet to the true point of beginning.

Right to make improvements, etc.

SEC. 2. The City of Chula Vista shall have and there is hereby granted to it the right to make upon said premises all

improvements, betterments and structures of every kind and character, proper, needful and useful for the development of commerce, navigation, and fishing, including the construction of all wharves, docks, piers, slips, and the construction and operation of a municipal belt line railroad in connection with said dock system.

Limitations

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the City of Chula Vista of the lands described in Section 1, or of any part thereof, but the said city shall continue to hold said lands and the whole thereof unless the same revert or be receded to the State of California. The harbor of Chula Vista shall remain always a public harbor and the said city shall never charge or permit to be charged on any of the premises by this act conveyed any unreasonable rate or toll, nor make nor suffer to be made any unreasonable charge, burden or discrimination. In the event of a violation of any of the provisions of this act, the said lands and the whole thereof shall revert to the State of California.

Leases

SEC. 4. The City of Chula Vista may lease for a term not exceeding 25 years any wharves, docks or piers constructed by it, and all such leases so executed shall reserve to the Board of Trustees of the City of Chula Vista the right and privilege, by ordinance, to annul, change or modify such leases upon the violation of any of the provisions thereof by the lessee as in its judgment may seem proper. The aggregate amount of all wharves, docks and piers so leased by said city shall never exceed 75 percent of all the wharves, docks and piers actually constructed.

SEC. 5. The City of Chula Vista may lease not to exceed an aggregate of 75 percent of the lands conveyed to it by this act, for a term not to exceed 25 years and upon which wharves, docks or piers have not been actually constructed, and, except by consent of the Board of Trustees of the City of Chula Vista under an ordinance of such board duly adopted, such leases shall not be assignable or transferable, nor shall any lessee have the right to sublet the leased premises or any part thereof without such consent.

Reservation of right to fish, etc

SEC. 6. There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

SEC. 7. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

SEC. 8. The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm, or public or private corporation claiming under it, except that in the event improve-

ments have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

CHAPTER 594

An act to amend Sections 29370, 29371, 29372, 29373, 29374, 29375, 29376, 29377, 29378 and 29379 of the Government Code, relating to County Officers' cash difference fund.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 29370 of the Government Code is amended to read:

Cash difference fund

29370. The board of supervisors may establish a county treasurer's cash difference fund for the use of the county treasurer, or county tax collector's cash difference fund for the use of the county tax collector, or redemption officer's cash difference fund for the use of the county redemption officer by adopting a resolution setting forth the amount of the fund. The board may establish any of such funds or may establish all such funds by separate resolutions. Certified copies of the resolution shall be transmitted to the county auditor and county treasurer.

SEC. 2. Section 29371 of said code is amended to read:

Overage fund

29371. If the board elects to establish a cash difference fund, it shall by the same resolution also establish an overage fund for the treasurer, tax collector, or redemption officer.

SEC. 3. Section 29372 of said code is amended to read:

Use of fund

29372. Upon the adoption of the resolution the auditor shall draw his warrant in favor of the treasurer, tax collector, or redemption officer, as the case may be, in the amount set forth in the resolution, and the treasurer shall pay the warrant. The treasurer, tax collector, or redemption officer shall use the fund only for cash deficits pursuant to this article.

SEC. 4. Section 29373 of said code is amended to read:

Reports of deficits or overages

29373. Any person in the office of the treasurer, tax collector, or redemption officer for whose use a cash difference fund has been established who receives and disburses money placed in his custody as directed by law or by official authority shall render a written report to the treasurer, tax collector, or redemption officer, as the case may be, at the close of each business day, setting forth the exact sum of any cash deficit or overage in his account for that day. Failure to report any cash deficit or overage at the close of the business day in which it occurred is a violation of this article.

SEC. 5. Section 29374 of said code is amended to read:

Reimbursement

29374. If a cash deficit is reported to the treasurer, tax collector, or redemption officer, he shall immediately reimburse

the cash charged to the person in the amount of the cash deficit. The reimbursement shall not exceed the amount in the cash difference fund unless that fund is replenished by the board of supervisors, and in any event not to exceed the sum appropriated by the board

SEC 6. Section 29375 of said code is amended to read:

29375. If an overage is reported to the treasurer, tax collector, or redemption officer, he shall immediately deposit the overage in the overage fund in the county treasury. Deposit of overage

SEC. 7 Section 29376 of said code is amended to read:

29376. The treasurer, tax collector, or redemption officer shall upon demand of the auditor or board of supervisors give an account of the cash difference fund. Accounting

SEC. 8. Section 29377 of said code is amended to read:

29377. If the cash difference fund becomes exhausted, the treasurer, tax collector, or redemption officer, as the case may be, may make a written application to the board of supervisors to have it replenished In his application he shall itemize each cash deficit as to amount, date of occurrence, and the name of the person whose account was reimbursed from the fund. Application to replenish fund

SEC. 9. Section 29378 of said code is amended to read:

29378. Upon application the board may replenish the cash difference fund by resolution directing the county auditor to draw his special warrant for that purpose on the county general fund. The treasurer, tax collector, or redemption officer, as the case may be, shall pay the warrant and deposit the money in the cash difference fund. Replenishment of fund

SEC 10. Section 29379 of said code is amended to read:

29379. The board may at any time discontinue the cash difference fund. If the cash difference fund is discontinued, the treasurer, tax collector, or redemption officer, as the case may be, shall immediately give an account thereof and deposit any balance remaining in that fund in the county general fund. Discontinuance of fund

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CHAPTER 595

An act to amend Section 1262 of the Agricultural Code, relating to transactions involving farm products.

[Approved by Governor May 8, 1953 Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1262 of the Agricultural Code is amended to read:

1262. This chapter does not apply to or include: Exemptions

(a) Any nonprofit cooperative association organized and operating under and by virtue of the provisions of Chapter 4, Division 6 of the Agricultural Code of this State or of similar laws of any other state or the District of Columbia or the United

States or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or agent, as involves the handling or dealing in the farm products of nonmembers of such organization.

(b) Any person or exchange buying, receiving, or otherwise handling farm products as a processor, as that term is defined in Chapter 9, Division 6, of this code.

(c) Any person or exchange dealing in livestock and operating at a public livestock market and subject to and operating under a bond required by the United States to secure the performance of their obligations.

(d) Any retail merchant having a fixed or established place of business in this State; provided, however, that this exemption of retail merchants shall not be deemed to apply to retail merchants who also sell at wholesale farm products purchased from producers; and provided further, that this exemption shall not apply as to any transaction wherein possession of any farm product is obtained from a producer and said farm product is sold to another person without being handled in the regular course of a retail business conducted at a fixed and established place of business.

(e) Any person licensed as a slaughterer under the provisions of Article 13 of Chapter 2 of Division 3 of this code; provided, however, that the livestock handled by such slaughterer shall be slaughtered at the place of business of the slaughterer; provided further, that any slaughterer who handles livestock upon a consignment basis shall not be exempt from the bonding provisions provided for by this chapter.

(f) Any person buying farm products for his own use or consumption.

(g) Any person, not otherwise required to be licensed under this chapter, buying or otherwise acquiring possession of farm products from a nonprofit cooperative association to which any provision of subdivision (a) of this section is applicable.

CHAPTER 596

An act to repeal Chapters 285, 286, and 327 of the Statutes of 1913, and Chapter 4 of Part 2 of Division 1 of the Public Utilities Code, relating to oil pipelines.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

Repeal

SECTION 1. Chapters 285, 286, and 327 of the Statutes of 1913 are hereby repealed.

SEC. 2. Chapter 4 of Part 2 of Division 1 of the Public Utilities Code is hereby repealed.

SEC. 3. Section 2 of this act becomes operative only if Chapter 4 of Part 2 of Division 1 of the Public Utilities Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said chapter takes effect. Effect

CHAPTER 597

An act to add Section 2561.2 to the Education Code, dealing with annexation of school districts.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 2561.2 is added to the Education Code, to read:

2561.2. When it appears from the records of the county clerk or registrar of voters that there are fewer than six registered electors residing in an elementary school district, the county superintendent of schools shall, not later than December 15th of that year, make a written recommendation to the board of supervisors concerning such elementary school district. The board of supervisors may, at its discretion, continue such district in effect or order it annexed to any adjoining elementary school district. Annexation of elementary school district

CHAPTER 598

An act to amend Section 8200 of the Government Code, relating to notaries public.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 8200 of the Government Code is amended to read:

8200. The Governor may appoint and commission notaries public for the several counties of the State in such number as he deems necessary for the public convenience. Notaries public Appointment

CHAPTER 599

An act to amend Section 4205 of the Government Code, relating to bonds of contractors doing work for the State or political subdivisions or agencies thereof.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 4205 of the Government Code is amended to read:

Contractor's bond

4205. To be approved, the contractor's bond shall by its terms inure to the benefit of any and all persons entitled to file claims under Section 1192.1 of the Code of Civil Procedure so as to give a right of action to them or their assigns in any suit brought upon the bond.

CHAPTER 600

An act to amend Sections 1550, 1555, and 1560 of the Code of Civil Procedure, relating to unclaimed property.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 1550 of the Code of Civil Procedure is amended to read:

Unclaimed money or property. Deposit. Transmission, etc.

1550. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Articles 1 or 2 of Chapter 17 of the Banking Code or under the provisions of Articles 1 or 2 of Chapter 17 of Division 1 of the Financial Code shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

SEC. 2. Section 1555 of said code is amended to read:

1555. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Article 3 of Chapter 17 of the Banking Code or under the provisions of Article 3 of Chapter 17 of Division 1 of the Financial Code shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

SEC. 3. Section 1560 of said code is amended to read:

1560. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Section 13.16c of the Building and Loan Association Act or under the provisions of Section 9073 of the Financial Code shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

CHAPTER 601

An act to repeal Section 3265g of the Civil Code, relating to stopping payment of checks.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3265g of the Civil Code is repealed.

Repeal

CHAPTER 602

An act to amend Sections 2080.1, 2080.2, 2080.3 and 2080.4 of the Civil Code, relating to lost property.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2080.1 of the Civil Code is amended to read:

2080.1. If the owner is unknown the person saving or finding the property shall within five days make an affidavit before a judge of a municipal or justice court in the county, stating when and where he found or saved the property, particularly describing it. If the property was saved, he shall state:

Lost or saved property. Affidavit

(a) From what and how it was saved.

(b) Whether the owner of the property is known to him.

(c) That he has not secreted, withheld, or disposed of any part of the property.

SEC. 2. Section 2080.2 of said code is amended to read:

2080.2. The judge shall summon three disinterested householders to appraise the property.

Appraisal

SEC. 3. Section 2080.3 of said code is amended to read:

2080.3. The appraisers, or any two of them, shall make two lists of the valuation and description of the property, and sign and make oath to the list. They shall deliver one list to the finder and the other to the judge.

Lists of valuation

SEC. 4. Section 2080.4 of said code is amended to read:

2080.4. The judge shall file the list, and the finder shall within 15 days transmit the copy to the county recorder, who shall record it in a book known as the "estray and lost property book" or in the "official records." The finder shall also immediately post copies of the list at the courthouse door and four other public places in the judicial district.

Filing, posting, etc., of list

CHAPTER 603

An act to amend Section 1183.5 of the Civil Code, relating to the acknowledgment of instruments, and the performance of other notarial acts.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 1183.5 of the Civil Code is amended to read:

Notarial acts by persons in military service

1183.5. 1. Any officer of any component of the Army or Air Force of the United States on active duty in federal service commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate, and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command;

2. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of lieutenant, senior grade, on active duty with the Navy or Coast Guard of the United States;

3. Any officer of or above the rank of captain on active duty with the United States Marine Corps;

Shall have the power if a commissioned officer to administer and certify oaths or affirmations, attest documents, take acknowledgments, and perform all other notarial acts, for any person serving in or with the armed forces of the United States, wherever located within or without this State.

Any instrument acknowledged by any such officer or any oath or affirmation made before such officer shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment or of any jurat signed by him shall be required but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in a form authorized by the laws of this State or in the following form:

Form of certificate

On this the _____ day of _____, 19___, before me, _____, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that ___he___ executed the same. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

_____

_____

Signature of officer and serial number, rank, branch of service and capacity in which signed.

To any affidavit subscribed and sworn to before such officer there shall be attached a jurat substantially in the following form: Form of jurat

Subscribed and sworn to before me on this _____ day of _____, 19____.

_____

_____

Signature of officer and serial number, rank, branch of service and capacity in which signed.

The recitals contained in any such certificate or jurat shall be prima facie evidence of the truth thereof, and any certificate of acknowledgment, oath or affirmation purporting to have been made by any commissioned officer of the Army, Air Force, Navy, Marine Corps or Coast Guard shall, notwithstanding the omission of any specific recitals therein, constitute presumptive evidence of the existence of the facts necessary to authorize such acknowledgment, oath or affirmation to be taken by the certifying officer pursuant to this section. Prima facie evidence

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CHAPTER 604

An act to amend Section 43 of the Civil Code, relating to general personal rights.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 43 of the Civil Code is amended to read:

43. Besides the personal rights mentioned or recognized in the Government Code, every person has, subject to the qualifications and restrictions provided by law, the right of protection from bodily restraint or harm, from personal insult, from defamation, and from injury to his personal relations Personal rights

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CHAPTER 605

An act to amend Sections 843.1 and 1106.3 of the Agricultural Code, relating to places where arrested persons appear before a magistrate.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 843.1 of the Agricultural Code is amended to read:

Unlawful transportation of honey. Appearance before a magistrate

843.1. Whenever any person is arrested for the transportation of honey in violation of this chapter, unless he demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, take his name and address, the number of his motor vehicle and such other information as may be necessary, and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the district in which the offense with which the arrested person is charged is alleged to have been committed, or upon the demand of the person arrested, before a magistrate of the district in which is located the county seat of the county in which such offense is alleged to have been committed, whereupon such officer shall, upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody However, in any county in which there is established a municipal court at the county seat thereof, the notice referred to herein may specify the appearance of the person arrested before any magistrate in the county.

Whenever any such person refuses to give his written promise to appear or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the district in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial unless he waives such time in writing or in open court and gives his written promise to appear at such time and place as the court may fix for his further appearance or, if he refuses to give such promise, upon such bail as the court may fix and he shall thereupon be released from custody

Penalty

Any person who wilfully violates his promise given in accordance with this section is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

SEC 2 Section 1106.3 of said code is amended to read:

Unlawful transportation of eggs. Appearance before a magistrate

1106 3 (a) Whenever any person is arrested for the transportation of eggs in violation of any provision of this article, unless he demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, take his name and address, the license number of his motor vehicle and such other information as may be necessary, and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the district in which the offense with which the arrested person is charged is alleged to have been committed, or upon the demand of the person arrested, before a magistrate of the district in which is located the county seat of the county in which such offense is alleged to have been committed, whereupon such officer shall, upon

the giving by such person of his written promise to appear at such time and place, forthwith release him from custody. However, in any county in which there is established a municipal court at the county seat thereof, the notice referred to herein may specify the appearance of the person arrested before any judge of such municipal court.

(b) Whenever any such person refuses to give his written promise to appear or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the district in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial unless he waives such time in writing or in open court and gives his written promise to appear at such time and place as the court may fix for his further appearance or, if he refuses to give such promise, upon such bail as the court may fix, and he shall thereupon be released from custody.

CHAPTER 606

An act to amend Sections 154.3, 785, 919, 1013, 1044.5, and 1106.2 of the Agricultural Code, relating to the jurisdiction of municipal and justice courts.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 154.3 of the Agricultural Code is amended to read:

Inspection, processing, etc., of seed screenings and cleanings from crop seed

154.3 It is unlawful to move any seed screenings or cleanings from crop seed from the place they may be unless they first shall have been inspected by the commissioner and found to be free from the seed of any pest, or unless they have been processed by grinding, or otherwise, to render the seed of any pest incapable of reproduction; said processing to be under the supervision of and to the satisfaction of the commissioner; provided further, that the commissioner may permit the movement of such seed screenings or cleanings for the purpose of destruction or processing. If upon inspection by the commissioner any seed screenings or cleanings from crop seed are found to contain the seed of any pest, the commissioner shall give notice thereof in writing to the person in possession requiring him within 60 days to process or destroy said screenings or cleanings as provided in this section. If the person so notified is not the owner of such screenings or cleanings, it shall be the duty of such person forthwith to transmit said notice to the owner, and to cause said screenings or cleanings to be processed or destroyed, as directed by the owner, in accordance with the provisions of this section. If the owner fails or neglects

to direct the disposition of the screenings or cleanings within 10 days after the notice has been transmitted to him, the person in possession at his option may cause the screenings or cleanings to be processed, returning to the owner the value thereof less the cost of handling; or he may destroy the screenings or cleanings and shall not be held liable therefor by the owner.

Public nuisance

Any lot of seed screenings or cleanings from crop seed containing the seed of any pest, together with its containers, is a public nuisance, and if not disposed of as provided in this section shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction.

Abatement

The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or denatured or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

Court order for disposal, etc

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal, or sale, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the seed screenings or cleanings from crop seed, or containers, which can be salvaged, the cost of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less; justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

SEC. 2. Section 785 of said code is amended to read:

Unlawful packing, etc., of fruits, nuts, etc Public nuisance

785. (a) Any fruits, nuts or vegetables, packed, stored, delivered for shipment, loaded, shipped, or being transported or sold in violation of this chapter, together with their containers, are a public nuisance and shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of an enforcing officer.

Notice and seizure

(b) The enforcing officer may affix a warning tag or notice to such nuisance, and may give notice of such violation to the packer or owner, or to any person in possession of such fruits, nuts or vegetables. If such person, so notified, refuses or fails within 24 hours to recondition or re-mark the same so as to comply with all requirements of this chapter and legally to dispose of such as do not comply with all requirements of this chapter, all such noncomplying lots of fruits, nuts or vegetables,

together with their containers, may be seized by any enforcing officer.

(c) The district attorney of the county in which any such nuisance is found, on relation of the director or of any enforcing officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or reconditioned, re-marked, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the fruits, nuts or vegetables and their containers, or the sale thereof, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the fruits, nuts or vegetables and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner. Abatement

(d) In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less; justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less. Jurisdiction

(e) It is unlawful to fail to comply with the directions of any officer relating to the disposition of such fruits, nuts or vegetables, or with any order of court respecting the same. Failure to comply with directions of officer unlawful

SEC. 3. Section 919 of said code is amended to read:

919. Any lot of agricultural or vegetable seed not in compliance with the provisions of this article is a public nuisance and shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction in the area in which the seed is located. Agricultural or vegetable seed Public nuisance

The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. Abatement

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the seed and containers, or the sale thereof, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the seed and containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner. Court order for disposal, etc

Jurisdiction

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less; justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

SEC. 4. Section 1013 of said code is amended to read:

Produce carrying spray residue Public nuisance

1013. Any lot of produce found to carry spray residue in excess of any maximum provided in this article or in excess of a permissible tolerance, together with its containers, is a public nuisance, and if not disposed of as provided in Section 1012.5 shall be subject to disposal on complaint of the director to a court of competent jurisdiction.

Abatement

The district attorney of the county in which any such nuisance is found, on the relation of the director, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or denatured or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

Court order of disposal, etc

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal, or sale, under such terms and conditions as the court may prescribe, by the director, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the produce or containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less; justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

SEC. 5. Section 1044.5 of said code is amended to read:

Adulterated, etc fertilizing materials Public nuisance

1044.5. Any of the substances defined in Section 1022, or any mixture thereof, which is adulterated or mislabeled, or which is injurious or detrimental to plants when applied as directed, or which otherwise is not in conformity with the provisions of this article, together with its containers, is a public nuisance. The director may quarantine any such nuisance, and may affix a warning tag or notice thereto. It is unlawful to remove, deface, or destroy any such tag or notice affixed by the director, prior to release from quarantine. The director may notify the owner or person in possession that such nuisance exists, requiring him to abate the nuisance within a reasonable time to be specified in the notice. It shall be the duty of the person in whose possession such nuisance may be, upon notice by the director, to hold the substance so quarantined until released by the director upon compliance with the provisions of this article. It is unlawful for any person to move or otherwise dispose of any lot so quarantined, or to which a warning tag or

Notice and seizure

notice has been affixed as provided herein, except with the permission of the director and for the purposes specified by him.

Abatement

Any such nuisance, if not abated or disposed of in accordance with the provisions of the notice, shall be subject to disposal on complaint of the director to a court of competent jurisdiction. The district attorney of the county in which the nuisance is found, on the relation of the director, shall maintain in the name of the people of the State of California a civil action to abate and prevent such nuisance; and upon judgment and by order of the court such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, or denatured or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

Court order for disposal, etc.

If the owner fails to comply with the order of the court within the time specified, the court may order disposal or sale, under such terms and conditions as the court may prescribe, by the director, or by the sheriff, marshal or constable; and in the event of sale, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less; justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

SEC. 6. Section 1106.2 of said code is amended to read:

Eggs. Public nuisance

1106.2. (a) Any eggs prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported or sold in violation of any of the provisions of this article, together with their containers, are a public nuisance, and such eggs shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of an enforcement officer.

Notice and seizure

(b) The enforcement officer may affix a warning tag or notice to such nuisance and may give notice of such violation to the producer, packer or owner, or any person in possession of such eggs. If such person, so notified, refuses or fails within 72 hours to commence and proceed with due diligence to recondition or re-mark the same so as to comply with all provisions of this article, such eggs and their containers may be seized by any enforcement officer. When the eggs are in cold storage the 72 hour period does not commence to run until they are removed from cold storage, and delivered to a dealer.

Abatement

(c) The district attorney of the county in which any such nuisance is found, on the relation of the director or of any enforcement officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or reconditioned, re-marked, denatured, or otherwise processed, or released upon such conditions as the

court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein the court may order disposal of the eggs and their containers or the sale thereof, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the eggs and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction

(d) In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less; justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

CHAPTER 607

An act to amend Section 8000 of the Labor Code, relating to the construction of said code.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 8000 of the Labor Code is amended to read:

Reference to officers or agency of Department of Industrial Relations

8000. Wherever in this code reference is made to any officer or agency of the Department of Industrial Relations, it is made in the same sense and with the same legal effect as was attributable thereto in the statute whence derived and which would continue to be so attributable but for the adoption of this code.

CHAPTER 608

An act to amend Section 14689 of the Health and Safety Code, relating to prosecutions in fire protection districts of one or more counties.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 14689 of the Health and Safety Code is amended to read:

Jurisdiction of municipal or justice court

14689. Any judge of the municipal court or justice court of the judicial district, within which the fire protection district is situated, has jurisdiction of prosecutions under this chapter.

CHAPTER 609

An act to amend Section 6330 of the Harbors and Navigation Code, relating to the issuance of port district bonds.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6330 of the Harbors and Navigation Code is amended to read:

6330. A district may create a bonded debt pursuant to Article 1 of Chapter 4, Division 4, Title 4 of the Government Code.

Bonds

Bonds may be issued for the purpose of raising money for use in carrying out any of the powers and purposes of the district.

CHAPTER 610

An act to amend Section 6106 of the Harbors and Navigation Code, relating to the issuance of revenue bonds.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6106 of the Harbors and Navigation Code is amended to read:

6106. Proceedings for the issuance of said bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as provided in Sections 54344 to 54346, inclusive, 54347, 54348, 54350, 54351, 54352, and 54380 to 54387, inclusive, and in Articles 4 to 11, inclusive, of Chapter 6, Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the word "local agency" shall mean district, and the words "legislative body" shall mean board.

Bonds

Definitions

CHAPTER 611

An act to repeal Article 2 of Chapter 1 of Part 6 of Division 1 of the Revenue and Taxation Code, relating to publication of the delinquent list in county of the first class.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Article 2 of Chapter 1 of Part 6 of Division 1 of the Revenue and Taxation Code, comprising Sections 3391 to 3403, inclusive, is repealed.

Repeal

CHAPTER 612

An act to amend Sections 585, 586, and 586.5 of the Probate Code, relating to the deposit of estate funds and assets.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 585 of the Probate Code is amended to read:

Deposits by executors, administrators

585. An executor or administrator may deposit any money belonging to the estate with one or more banks within this State, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Unless the money is deposited pursuant to an order, under the provisions of Division 1 of the Financial Code, it may be withdrawn without order of court.

SEC. 2. Section 586 of the Probate Code is amended to read:

Delivery to distributees

586. Personal assets of an estate may be deposited with a trust company, and the bond of the executor or administrator reduced, as provided by Division 1 of the Financial Code.

SEC. 3. Section 586.5 of said code is amended to read:

586.5. When a decree is rendered distributing money or personal assets of an estate deposited with a bank or trust company pursuant to the provisions of Division 1 of the Financial Code, the depositary may deliver such property directly to the distributees and file receipts therefor with the clerk.

CHAPTER 613

An act to amend Sections 1205, 1207, 1213, 1326, 1427, and 1428 of the Penal Code, relating to proceedings in criminal cases.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 1205 of the Penal Code is amended to read:

Judgments Fine and imprisonment

1205. A judgment that the defendant pay a fine, with or without other punishment, may also direct that he be imprisoned until the fine is satisfied and may further direct that such imprisonment begin at and continue after the expiration of any imprisonment imposed as a part of the punishment or of any other imprisonment to which he may theretofore have been sentenced. Every such judgment must specify the extent of the imprisonment for nonpayment of the fine, which must not be more than one day for each two dollars ($2) of the fine, nor exceed in any case the term for which the defendant might be sentenced to

imprisonment for the offense of which he has been convicted. A defendant held in custody for nonpayment of a fine shall be entitled to credit on the fine for each day he is so held in custody, at the rate specified in the judgment. When the defendant has been convicted of a misdemeanor, a judgment that the defendant pay a fine may also direct that he pay the fine within a limited time or in installments on specified dates and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full; but unless such direction is given in the judgment, the fine shall be payable forthwith.

Except as otherwise provided in case of fines imposed as conditions of probation, the defendant must pay the fine to the clerk of the court, or to the judge thereof if there is no clerk, unless the defendant is taken into custody for nonpayment of the fine, in which event payments made while he is in custody shall be made to the officer who holds him in custody and all amounts so paid shall be forthwith paid over by such officer to the court which rendered the judgment. The clerk shall report to the court every default in payment of a fine or any part thereof, or if there is no clerk, the court shall take notice of such default. If time has been given for payment of a fine or it has been made payable in installments, the court shall, upon any default in payment immediately order the arrest of the defendant and order him to show cause why he should not be imprisoned until the fine is satisfied in full. If the fine is payable forthwith and it is not so paid, the court shall, without further proceedings, immediately commit the defendant to the custody of the proper officer to be held in custody until the fine is satisfied in full. The provisions of this section shall apply to any violation of any of the codes or statutes of the State of California punishable by a fine or by a fine and imprisonment.

Arrest upon default

SEC. 2. Section 1207 of said code is amended to read:

1207. When judgment upon a conviction is rendered, the clerk, or if there is no clerk, the judge, must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction, if any. A copy of the judgment of conviction shall be filed with the papers in the case.

Judgment entered in minutes

SEC. 3. Section 1213 of said code is amended to read:

1213. When a judgment, other than of death, has been pronounced, a copy of the entry thereof or if the judgment is for imprisonment in a state prison, an abstract thereof as provided in Section 1213.5, certified by the clerk of the court, or by the judge if there is no clerk, must be forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

Authority for execution of judgment

SEC. 4 Section 1326 of said code is amended to read:

1326. The process by which the attendance of a witness before a court or magistrate is required is a subpena; it may be signed and issued by:

Subpena

1. A magistrate before whom a complaint is laid, for witnesses in the State, either on behalf of the people or of the defendant.

2. The district attorney, or, upon request of the grand jury, any judge of the superior court, for witnesses in the State, in support of the prosecution, for those witnesses whose testimony, in his opinion, is material in an investigation before the grand jury, and for such other witnesses as the grand jury, upon an investigation pending before them, may direct.

3. The district attorney, or, upon request of the grand jury, any judge of the superior court, for witnesses in the State, in support of an indictment or information, to appear before the court in which it is to be tried.

4. The clerk of the court in which a criminal action is to be tried, or if there is no clerk, the judge of the court; and he must, at any time, upon application of the defendant, and without charge, issue as many blank subpenas, subscribed by him, for witnesses in the State, as the defendant may require.

SEC. 5. Section 1427 of said code is amended to read:

Issuance of warrant

1427. (a) When a complaint is presented to a judge of an inferior court of the commission of a public offense appearing to be triable in his court, he must, if satisfied therefrom that the offense complained of has been committed and that there is reasonable ground to believe that the defendant has committed it, issue a warrant, for the arrest of the defendant.

Form of warrant

(b) Such warrant of arrest and proceedings upon it, shall be in conformity to the provisions of this code regarding warrants of arrest, and it may be in the following form:

County of _____

The people of the State of California, to any peace officer in this State:

Complaint upon oath having been this day made before me that the offense of _____ (designating it generally) has been committed and accusing _____ (name of defendant) thereof you are therefore commanded forthwith to arrest the above named defendant and bring him forthwith before the _____ court of _____ (stating full title of court) at _____ (naming place).

Witness my hand and the seal of said court this _____ day of _____, 19___.

(Signed).

_____

Judge of said court

Offenses by corporations

If it appears that the offense complained of has been committed by a corporation, no warrant of arrest shall issue, but the judge must issue a summons substantially in the form prescribed in Section 1391. Such summons must be served at the time and in the manner designated in Section 1392. At the time stated in the summons the corporation may appear by counsel and answer the complaint.

SEC. 6. Section 1428 of said code is amended to read:

1428. A docket must be kept by the judge of each inferior court having jurisdiction of criminal actions or proceedings, or by the clerk of such court, if there is one, in which must be entered the title of each criminal action or proceeding and under each title all the orders and proceedings in such action or proceeding. Wherever by any other section of this code made applicable to such courts an entry of any judgment, order or other proceeding in the minutes is required, an entry thereof in the docket shall be made and shall be deemed a sufficient entry in the minutes for all purposes, except in the cases provided for by Section 1428a. Docket

CHAPTER 614

An act to amend Section 999a of the Penal Code, relating to proceedings after indictment.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 999a of the Penal Code is amended to read:

999a. A petition for a writ of prohibition, predicated upon the ground that the indictment was found without reasonable or probable cause or that the defendant had been committed on an information without reasonable or probable cause, must be filed in the appellate court within 15 days after a motion made under Section 995 of this code to set aside the indictment on the ground that the defendant has been indicted without reasonable or probable cause or that the defendant had been committed on an information without reasonable or probable cause, has been denied by the trial court. A copy of such petition shall be served upon the district attorney of the county in which the indictment is returned or the information is filed. The alternative writ shall not issue until five days after the service of notice upon the district attorney and until he has had an opportunity to appear before the appellate court and to indicate to the court the particulars in which the evidence is sufficient to sustain the indictment or commitment. Petition for writ of prohibition

CHAPTER 615

An act to amend and renumber Section 681 of the Penal Code, relating to cruel and unusual punishment.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 681 of the Penal Code, as added by Chapter 583 of the Statutes of 1913, is amended and renumbered to read:

Unlawful punishments, restraints, etc. in state institutions

673. It shall be unlawful to use in the reformatories, institutions, jails, state hospitals or any other state, county, or city institution any cruel, corporal or unusual punishment or to inflict any treatment or allow any lack of care whatever which would injure or impair the health of the prisoner, inmate, or person confined; and punishment by the use of the strait jacket, gag, thumbscrew, shower bath or the tricing up of a prisoner, inmate or person confined is hereby prohibited. Any person who violates the provisions of this section or who aids, abets, or attempts in any way to contribute to the violation of this section shall be guilty of a misdemeanor.

Penalty

CHAPTER 616

An act to amend Section 678 of the Penal Code, relating to estimating the value of property in connection with criminal offenses.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 678 of the Penal Code is amended to read:

Estimated value of property

678. Whenever in this code the character or grade of an offense, or its punishment, is made to depend upon the value of property, such value shall be estimated exclusively in lawful money of the United States.

CHAPTER 617

An act to amend Section 325 of the Penal Code, relating to the forfeiture of money and property offered for disposal in a lottery.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 325 of the Penal Code is amended to read:

Forfeiture and disposal of property to State

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

tachment has the same force and effect against such property, and is issued in the same manner as attachments issued from the superior courts in civil cases.

CHAPTER 618

An act to repeal Chapter 69 of the Statutes of 1905, prohibiting the offering of prizes or trading stamps or coupons in connection with sales of merchandise.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Chapter 69 of the Statutes of 1905 is repealed. Repeal

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CHAPTER 619

An act to amend Section 721 of the Welfare and Institutions Code, relating to petitions to declare minors wards of the juvenile court and to free such minors from the custody and control of the parents.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 721 of the Welfare and Institutions Code is amended to read:

721. Any person may present to the clerk of the superior court a petition showing that there is within the county, or residing therein, or in the case of any alleged violation within the county of any law or ordinance, that there then was within the county, a person within the provisions of Section 700 or Section 701, and praying that the superior court deal with such person as provided in this chapter. Prior to the filing of a petition under Section 700, the probation officer of such county shall make such investigation as he deems necessary, and no such petition shall be filed without the approval of the probation officer except by order of the juvenile court. Petition to superior court

In the event that the probation officer, after making a preliminary investigation, determines that the filing of a petition is not immediately warranted, he may, with the consent of the parent, parents, guardian or custodian, and the minor or minors, continue his investigation for a definite period of time, during which time he shall supervise the minor or minors involved and Investigation continued

render such assistance to such minor or minors and to their parent, parents, guardian or custodian as may be necessary. During the period of the continuance of the investigation, the parent, parents, guardian or custodian may revoke the consent for supervision of the minor or minors, or the probation officer may, if conditions warrant, approve the filing of a petition or, himself, approve and file a petition in behalf of the minor.

CHAPTER 620

An act to amend Section 137.3 of the Civil Code, relating to costs and attorney's fees in actions for divorce and annulment.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

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

SECTION 1. Section 137.3 of the Civil Code is amended to read:

Costs and attorney's fees in actions for annulment, divorce, etc.

137.3. During the pendency of any action for annulment in which costs and attorney's fees are authorized by Section 87 of this code and of any action for divorce or for separate maintenance, or for the support, maintenance or education of children, upon an order to show cause or motion, and if such relief is requested in the complaint, cross complaint or answer, the court may order the husband or wife, or father or mother, as the case may be, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the action and for attorney's fees; and from time to time and before entry of judgment upon application as aforesaid, the court may augment or modify the original award, if any, for costs and attorney's fees as may be reasonably necessary for the prosecution or defense of the action or any proceeding relating thereto. In respect to services rendered after the entry of judgment, upon application by an order to show cause or motion, the court may award such costs and attorney's fees as may be reasonably necessary to maintain or defend any subsequent proceeding therein, and may thereafter upon application as aforesaid augment or modify any award so made. Attorney's fees and costs within the provisions of this section may be awarded for legal services rendered or costs of action incurred prior, as well as subsequent, to any application or order of court therefor, including services rendered or costs incurred prior to the filing of the complaint. Any such order may be enforced by the court by execution or by such order or orders as, in its discretion, it may from time to time deem necessary.

CHAPTER 621

An act to add Section 13831.2 to the Education Code, relating to school district employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 8, 1953.]

In effect immediately

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

SECTION 1. Section 13831.2 is added to the Education Code, to read:

13831.2. Notwithstanding any other provisions of law, if, prior to the effective date of this section, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed within 60 days after the end of such period, the district may pay the person the amount of salary withheld.

Payment of salary withheld

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

Under the existing law when a teacher fails to renew his certification documents at the legally prescribed time, his salary cannot be paid for the period the documents are not in force. This provision works a severe hardship on the many teachers who by mistake, or because of the pressure of teaching duties, or otherwise, are late in renewing their documents, but who continue to teach in their usual positions during the period the documents are not in force and who are assured by the school district authorities that their salaries will be paid for such period as soon as the renewal is effective.

In order to restore the confidence of such teachers in the Public School System, and to encourage them to remain in the teaching profession, rather than seeking employment in other fields subject to fewer strict regulations, at a time when an increase rather than a decrease in the number of teachers is essential to furnish an adequate education to the children of the State, it is necessary that this act go into immediate effect.

CHAPTER 622

An act to add Sections 17403.2 and 17403.3 to the Financial Code, relating to escrow instructions to escrow agents under the Escrow Law.

[Approved by Governor May 8, 1953 Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 17403.2 is added to the Financial Code, to read:

Alterations, additions, etc., to escrow instructions

17403.2. No licensee shall solicit or accept an escrow instruction or amended or supplemental escrow instruction containing any blank to be filled in after signing or initialing of such escrow instruction or amended or supplemental escrow instruction, and no licensee shall permit any person to make any addition to, deletion from, or alteration of an escrow instruction or amended or supplemental escrow instruction received by such licensee, unless such addition, deletion or alteration is signed or initialed by all persons who had signed or initialed such escrow instruction or amended or supplemental escrow instruction prior to such addition, deletion or alteration.

SEC. 2. Section 17403.3 is added to said code, to read:

Copy of escrow instruction to all persons executing

17403.3. Every licensee at the time of execution of any escrow instruction or amended or supplemental escrow instruction shall deliver a copy thereof to all persons executing the same.

CHAPTER 623

An act to add Section 12300.3 to the Financial Code, relating to trust accounts for licensees under the Check Sellers and Cashers Law.

In effect September 9, 1953

[Approved by Governor May 8, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. Section 12300.3 is added to the Financial Code, to read:

Money, etc., received by licensee in business of selling checks, etc., as trust funds

12300.3. All money, checks, drafts, and money orders received by a licensee in the business of selling checks, or of receiving money as agent of an obligor for the purpose of paying bills, invoices, or accounts of such obligor, and all money, checks, drafts, and money orders received in such business of the licensee by any of its officers, employees, or agents constitute trust funds owned by and belonging to the persons from whom they were received and shall be separated not later than the end of each third business day and thereafter kept separate, distinct, and apart at all times from funds belonging to the licensee or any of its officers, employees or agents, and may be used for no purpose other than paying bills of said persons, paying checks, drafts, or money orders sold by the licensee or cashing checks, drafts, or money orders by or on behalf of the licensee. All such trust funds shall be deposited in a bank or banks in an account or accounts in the name of the licensee designated "trust account," or by some other appropriate name indicating that the funds are not the funds of the licensee or of its officers, employees, or agents, and as such are not subject to attachment, levy of execution or sequestration by order of court except by a payee or bona fide assignee or bona fide holder in due course of a check, draft, or money order sold by a licensee, or except by an obligor for whom

Deposit of trust funds

a licensee is acting as an agent in paying bills. Funds in said account, together with money on hand and in the hands of agents held for the account of the licensee, and checks, drafts, or money orders received in said business and on hand at all times shall be at least equal to the aggregate liability of the licensee on account of checks sold and bills, invoices, and accounts accepted for payment.

Nothing in this law shall be construed to prevent a purchaser, a holder in due course, the payee of a check, draft, or money order sold by the licensee in the usual course of his business, or an obligor for whom the licensee is acting as an agent in paying bills of the obligor, from taking any legal action necessary to enforce any claims which said purchaser, holder in due course, payee, or obligor may desire to take including the right to levy attachment or execution. Legal action to enforce claims by purchaser, etc

In the event a license under this law shall be suspended or terminated the licensee shall immediately deposit in said trust account an amount which with funds therein contained shall be equal to the outstanding checks sold and bills unpaid. Suspension or termination of license

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CHAPTER 624

An act to amend Sections 10205, 10270.5, 10270.9, and 10270.95 of, to amend Section 10270.93 and renumber it 10270.94 of, and to add Sections 10205.5, 10205.6, 10210.5, 10270.91, 10270.92 and 10270.93 to, the Insurance Code, all relating to insurance.

[Approved by Governor May 8, 1953 Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 10205 of the Insurance Code is amended to read:

10205. A policy of group life insurance shall not be issued or delivered in this State nor, except as otherwise provided in Section 10205.5, shall an insurer provide or agree to provide group life coverage until a copy of the form of the policy is filed with the commissioner and approved by him. Except as provided in Section 10211, such policy shall not be so issued or delivered unless it contains in substance the provisions set forth in Sections 10206 to 10210 hereof. Issuance of group life insurance

SEC. 2. Section 10205.5 is added to the Insurance Code, to read:

10205.5. An insurer is permitted to provide group life coverage prior to the approval of the form of the policy if all of the conditions of (a) are met prior thereto and if thereafter it acts as required by (b). Group life coverage prior to approval of form of policy

(a) The conditions precedent are:

(1) The group is one eligible for coverage pursuant to the provisions of this article; and Conditions precedent

(2) An executed memorandum of insurance has been or is concurrently delivered to the entity which is to become the policyholder containing a provision that unless a policy the form of which has been approved by the commissioner and embodying the coverage has been issued and delivered to the policyholder within 90 days after the date on which the coverage is provided or agreed to be provided, the coverage provided pursuant to such memorandum terminates 120 days after such date, and containing a specification in either complete or summary form of:

(i) The class or classes of employees eligible for coverage;

(ii) The benefits to be provided; and

(iii) The exceptions and reductions to such benefits, if any.

(b) An insurer providing coverage pursuant to this section shall:

(1) Within 60 days after the date on which the coverage is provided or agreed to be provided submit to the commissioner for approval a policy form drafted to provide the coverage provided by such memorandum and in a good faith attempt to meet all requirements of law;

(2) Make such revisions in the policy submitted as the commissioner may lawfully require; and

(3) Terminate such coverage in accordance with the provisions of (a) (2) above if approval of such policy is not secured within the time specified therein.

Upon written request from the insurer filed within 50 days after the date on which the coverage is provided or agreed to be provided and upon proof satisfactory to him that the insurer is acting with due diligence and that hardship will result unless an extension is granted, the commissioner may extend the time set forth in (b) (1) hereof for a period of not to exceed 30 days. Upon such extension, the insurer with the consent of the policyholder may amend the memorandum of insurance referred to in (a) (2) hereof to extend the time within which the policy must be issued and delivered to the policyholder to 30 days after the date to which the commissioner has extended the time within which a policy form must be submitted to him for approval and to extend the date for termination of coverage to 30 days thereafter.

Automatic approval

Any policy submitted to the commissioner with a letter from the insurer stating that coverage has been provided in accordance with this section shall be automatically approved unless the commissioner disapproves the same within 30 days of the date of its submission to him.

SEC. 3. Section 10205.6 is added to the Insurance Code, to read:

Suspension or revocation of permission.

10205.6. The commissioner may suspend or revoke the permission granted any insurer in Section 10205.5 if, after notice and hearing in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, he finds that the insurer has:

(a) Misrepresented the conditional nature of the coverage; Grounds

(b) Neglected or refused either to cancel or otherwise terminate such coverage within the time required by such section;

(c) Delivered any such memorandum which did not comply with subsection (a) (2) of Section 10205.5;

(d) Shown a lack of diligence in making revisions in the policy necessary to obtain its approval by the commissioner;

(e) Failed so often in so many important respects in drafting any such policy to conform to the applicable requirements of the Insurance Code that a conclusion of lack of good faith or competency in drafting is reasonably justified;

(f) Circulated announcements of coverage to individuals insured which failed to advise them of the conditional nature of the coverage; or

(g) In any other manner so negligently or carelessly handled the effecting of insurance under Section 10205.5 or the administration thereof that the policyholder or the persons insured have been misled or exposed to the danger of loss.

SEC. 4. Section 10210.5 is added to the Insurance Code, to read:

10210.5. Whenever any provision of this chapter requires the payment of a premium by any person, such requirement relates to the responsibility for the payment of the premium and not to the transmission or collection of the premium or premium contributions. Such transmission or collection shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations: Payment of premium Transmission and collection

(a) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(b) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after pay roll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(c) If individual members of the group make payment of their share of the premium contribution to the insurer without billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

SEC. 5. Section 10270.5 of the Insurance Code is amended to read:

Group disability insurance

10270.5. Group disability insurance is that form of disability insurance conforming to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the Federal or State Government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents or spouses for amounts of insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than 10 agents as defined in that section and eligible thereunder to be insured; or

(3) Issued to any association having a constitution and bylaws and formed in good faith for purposes other than that of obtaining insurance offering insurance to all the eligible members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union; or

Same

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and insuring not less than 10 employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; and under which

(b) Transmission or collection of all premiums or premium contributions shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations:

(1) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(2) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after pay roll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(3) If individual members of the group make payment of their share of the premium contribution to the insurer without billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

(c) There is issued and delivered in accordance with the policy provision required by subsection (b) of Section 10270 6 an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy

SEC. 6. Section 10270.9 of the Insurance Code is amended to read:

10270.9 No group disability policy shall be issued or delivered in this State nor, except as otherwise provided in Section 10270.91, shall an insurer provide or agree to provide group disability coverage until a copy of the form of the policy is filed with the commissioner and approved by him in accordance with Article 2 of this chapter as meeting in substance the reasonably applicable provisions and requirements of either Articles 3, 4 and 5 of this chapter or Articles 3a, 4a and 5a of this chapter; provided, however, that the insurer may, at its option, substitute for one or more of such provisions of Articles 4a and 5a corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the policyholder, the certificate holder or the beneficiary. On and after January 1, 1957, no group disability policy shall be issued or delivered in this State unless the form thereof has been approved, as required by this section, as meeting in substance the provisions and requirements of Articles 3a, 4a and 5a of this chapter which are reasonably applicable; provided, however, that the insurer may, at its option, substitute for one or more of such provisions of Articles 4a and 5a corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the policyholder, the certificate holder or the beneficiary.

Group disability coverage

Except as provided by Section 10314, no group disability policy shall be issued or delivered to any person in this State nor

shall any endorsement for any such policy be issued which contains any provision contradictory, in whole or in part, of any of the provisions promulgated by the commissioner as being required or optional or alternative provisions to be incorporated into such policy in accordance with the rules promulgated by him for their use.

SEC. 7. Section 10270.91 is added to the Insurance Code, to read:

Group disability coverage prior to approval of form of policy

10270.91. An insurer is permitted to provide group disability coverage prior to the approval of the form of the policy if all of the conditions of (a) are met prior thereto and if thereafter it acts as required by (b).

Conditions precedent

(a) The conditions precedent are:

(1) The group is one eligible for coverage pursuant to the provisions of this article; and

(2) An executed memorandum of insurance has been or is concurrently delivered to the entity which is to become the policyholder containing a provision that unless a policy the form of which has been approved by the commissioner and embodying the coverage has been issued and delivered to the policyholder within 90 days after the date on which the coverage is provided or agreed to be provided, the coverage provided pursuant to such memorandum terminates 120 days after such date, and containing a specification in either complete or summary form of:

(i) The class or classes of employees eligible for coverage;

(ii) The benefits to be provided; and

(iii) The exceptions and reductions to such benefits, if any.

(b) An insurer providing coverage pursuant to this section shall:

(1) Within 60 days after the date on which the coverage is provided or agreed to be provided submit to the commissioner for approval a policy form drafted to provide the coverage provided by such memorandum and in a good faith attempt to meet all requirements of law;

(2) Make such revisions in the policy submitted as the commissioner may lawfully require; and

(3) Terminate such coverage in accordance with the provisions of (a) (2) above if approval of such policy is not secured within the time specified therein.

Upon written request from the insurer filed within 50 days after the date on which the coverage is provided or agreed to be provided and upon proof satisfactory to him that the insurer is acting with due diligence and that hardship will result unless an extension is granted, the commissioner may extend the time set forth in (b) (1) hereof for a period of not to exceed 30 days. Upon such extension, the insurer with the consent of the policyholder may amend the memorandum of insurance referred to in (a) (2) hereof to extend the time within which the policy must be issued and delivered to the policyholder to 30 days after the date to which the commissioner has extended the time within which a policy form must be submitted to him for approval and

to extend the date for termination of coverage to 30 days thereafter.

Any policy submitted to the commissioner with a letter from the insurer stating that coverage has been provided in accordance with this section shall be automatically approved unless the commissioner disapproves the same within 30 days of the date of its submission to him. Automatic approval

SEC. 8. Section 10270.92 is added to the Insurance Code, to read:

10270.92. The commissioner may suspend or revoke the permission granted any insurer in Section 10270.91 if, after notice and hearing in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, he finds that the insurer has: Suspension or revocation of permission granted

(a) Misrepresented the conditional nature of the coverage; Grounds

(b) Neglected or refused either to cancel or otherwise terminate such coverage within the time required by such section;

(c) Delivered any such memorandum which did not comply with subsection (a) (2) of Section 10270.91;

(d) Shown a lack of diligence in making revisions in the policy necessary to obtain its approval by the commissioner;

(e) Failed so often in so many important respects in drafting any such policy to conform to the applicable requirements of the Insurance Code that a conclusion of lack of good faith or competency in drafting is reasonably justified;

(f) Circulated announcements of coverage to individuals insured which failed to advise them of the conditional nature of the coverage; or

(g) In any other manner so negligently or carelessly handled the effecting of insurance under Section 10270.91 or the administration thereof that the policyholder or the persons insured have been misled or exposed to the danger of loss.

SEC. 9. Section 10270.93 of the Insurance Code is renumbered Section 10270.94 and amended to read:

10270.94. The commissioner shall promulgate forms of provisions which incorporate in substance the applicable provisions set forth in Articles 4, 4a, 5 and 5a of this chapter, and shall promulgate rules governing the use of such provisions, incorporating the substance, insofar as applicable, of the corresponding rules contained in this chapter for the use of the provisions set forth in Articles 4, 4a, 5 and 5a of this chapter; provided, however, that as of January 1, 1957, the promulgation of provisions and rules governing their use incorporating in substance the applicable provisions of Articles 3, 4 and 5 of this chapter shall cease to be effective, and on and after January 1, 1957, only the promulgation of provisions and rules governing their use incorporating in substance the applicable provisions of Articles 3a, 4a and 5a of this chapter shall be effective. The commissioner may from time to time thereafter change any such provisions or rules governing their use previously promulgated by him. The promulgation of any such provisions or rules governing their use and of any changes or amendments thereof Forms of provisions rules, etc., by commissioner

shall be in accordance with the procedure provided in Chapter 4 of Part 1, Division 3, Title 2 of the Government Code.

SEC. 10. Section 10270.93 is added to the Insurance Code, to read:

Family expense disability policy

10270.93. No family expense disability policy shall be issued or delivered in this State unless a copy of the form thereof is filed with the commissioner and approved by him in accordance with Article 2 of this chapter as meeting in substance either the provisions and requirements of Articles 3, 4 and 5 of this chapter which are reasonably applicable, or the provisions and requirements of Articles 3a, 4a and 5a of this chapter which are reasonably applicable; provided, however, that the insurer may, at its option, substitute for one or more of such provisions of Articles 4a and 5a corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary.

Except as provided by Section 10314, no family expense disability policy shall be issued or delivered to any person in this State nor shall any endorsement for any such policy be issued which contains any provision contradictory, in whole or in part, of any of the provisions promulgated by the commissioner as being required or optional or alternative provisions to be incorporated into such policy, except a policy or endorsement which has been approved by the commissioner under Article 2 of this chapter as meeting the applicable requirements of Articles 2, 3a, 4a and 5a of this chapter and as containing the provisions or substitute provisions as required by Articles 4a and 5a of this chapter modified in such manner as to make the provisions consistent with family expense coverage and the coverage provided in the policy and endorsement, if any. On and after January 1, 1957, no family expense disability policy shall be delivered or issued for delivery to any person in this State unless it complies with Articles 2, 3a, 4a and 5a of this chapter.

SEC. 11. Section 10270.95 of the Insurance Code is amended to read:

Exemptions

10270.95. Without affecting the applicability or degree of applicability of other sections of this chapter, it is hereby specified that the provisions of Sections 10310.5, 10312, 10313, 10321, 10325, 10401, of subsections (a), (c), (e), (f), (g), (h), and (i) of Section 10310, of subsections (a), (c), (e), (h) and (i) of Section 10320, of subsection (a) of Section 10290, of paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) of subsection (b) and subsections (c), (d), (e), (f), (g) and (i) of Section 10291.5 and of Section 10291.6, shall not apply to group disability insurance. The provisions of Section 10401 shall not apply to family expense disability insurance; provided, there is no discrimination between family groups of the same class.

CHAPTER 625

An act to amend Section 132.1 of the Vehicle Code, relating to undertaking upon registration.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 132.1 of the Vehicle Code is amended to read:

132.1. Undertaking Upon Registration. In the absence of the regularly required supporting evidence of ownership the department may accept an undertaking or bond which shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vehicle or person acquiring any lien thereon or the successor in interest of any said person against any loss or damage on account of any defect in or undisclosed claim upon the right, title and interest of the applicant or other person in and to the vehicle. Any interested person shall have a right of action to recover on any such bond or undertaking for any breach of the conditions for which the same was deposited but the aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond. Such bond or undertaking shall be returned and surrendered at the end of three years or prior thereto in the event the vehicle is no longer registered in this State and the currently valid certificate of ownership is surrendered to the department.

Undertaking or bond in absence of regularly required supporting evidence of ownership

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CHAPTER 626

An act to amend Section 146.1 of the Vehicle Code, relating to full faith and credit granted certificates of title issued by other states.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 146.1 of the Vehicle Code is amended to read:

146.1. Full Faith and Credit Granted Certificates of Title Issued by Other States. (a) Upon application for registration of a vehicle previously registered outside this State the department shall grant full faith and credit to the currently valid certificate of title describing such vehicle, the ownership thereof and any liens thereon, issued by the state in which

Full faith and credit granted certificates of title issued by other states

the vehicle was last registered; provided, the laws of such state provide for the notation upon such certificate of title of any and all liens and encumbrances other than those dependent upon possession.

(b) The acceptance by the department of a certificate of title issued by another state as herein provided in the absence of knowledge by the department that any said certificate is forged, fraudulent or void shall be a sufficient determination of the genuineness and regularity of such certificate and of the truth of the recitals therein and no liability shall be incurred by any officer or employee of the department by reason of so accepting any said certificate of title.

Lien or encumbrance

(c) In the event a certificate of title issued by another state shows any lien or encumbrance upon the vehicle therein described, then the department upon registering such vehicle in this State and upon issuing a certificate of ownership shall include therein the name of such lienholder as legal owner unless documents submitted with the foreign certificate of title establish that the lien or encumbrance has been fully satisfied.

Doubt as to ownership, etc

(d) In the event application is made in California for registration of a vehicle and the department is not satisfied as to the ownership of the vehicle or the existence of foreign liens thereon, then the department may register the vehicle and issue a registration card of a distinctive color and license plates but shall withhold issuance of a California certificate of ownership unless and until the applicant shall present such documents as to reasonably satisfy the department of the applicant's ownership of the vehicle and as to any liens thereon or in the alternative the applicant or other person shall file with the department a bond or securities in such form as determined by the department in an amount equal to the value of the vehicle, which bond or securities and the deposit thereof shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vehicle or person acquiring any lien thereon or the successor in interest of any said person against any loss or damage on account of any defect in or undisclosed encumbrance upon the right, title and interest of the applicant in and to the vehicle. Any interested person shall have a right of action to recover on any such bond or securities for any breach of the conditions for which the same was deposited but the aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond. Such bond or securities shall be returned and surrendered at the end of three years or prior thereto in the event the vehicle is no longer registered in this State and the currently valid certificate of ownership is surrendered to the department.

CHAPTER 627

An act to amend Sections 54900, 54901, and 54903 of the Government Code, relating to the filing of statements and maps or plats by cities and districts.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 54900 of the Government Code is amended to read:

54900. When there is a change in boundaries (1) of a city, (2) of a district within a city the tax levy of which is carried on the regular city assessment roll, or (3) of a district the tax or special assessment levy of which is carried on the regular county assessment roll, or when a city or any such district is created, or when a district previously levying and collecting taxes or special assessments based upon its own assessment utilizes the regular city or county assessment roll, the tax or assessment levying authority of the city or district shall file or cause to be filed a statement of such creation or change, or of the exterior boundaries of the district newly utilizing the regular city or county assessment roll.

Statement of creation or change

SEC. 2. Section 54901 of said code is amended to read:

54901. The statement shall set forth the legal description of the boundaries of the district newly utilizing the regular city or county assessment roll or of the city or district created or changed and a map or plat indicating the boundaries.

Legal description

SEC. 3. Section 54903 of said code is amended to read:

54903. The creation of any city or district or the change in its boundaries is not effective for assessment or taxation purposes nor shall the tax or the special assessment levy of a district previously levying and collecting taxes or special assessments based on its own assessment be carried on a city or county assessment roll unless the statement and map or plat is filed pursuant to this chapter.

Effectiveness

CHAPTER 628

An act to amend Section 6695 of the Health and Safety Code, relating to sanitary districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1953. Filed with Secretary of State May 11, 1953.]

In effect immediately

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

SECTION 1. Section 6695 of the Health and Safety Code is amended to read:

Maximum annual tax levy for all district purposes

6695. Except as otherwise provided in this part, no more than sixty cents ($0.60) on each one hundred dollars ($100) assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year.

Urgency

SEC. 2. 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 rapid growth of the population of the State during and since World War II has resulted in increased congestion of people in unincorporated areas. The State Legislature has found it necessary to require the treatment of sewage before it is deposited in the streams and waters of the State and in the Pacific Ocean. This has resulted in the requirement for greatly increased numbers of sanitary and other local improvement projects, and it has been found to be impossible in many areas to operate and maintain said facilities within the limits of the present provisions of Section 6695. In order to relieve the financial difficulties created by this limitation in time for the 1953-54 tax levies, it is necessary for this act to go into immediate effect.

CHAPTER 629

An act to add Chapter 9, comprising Sections 6200 to 6208, inclusive, to Title 7 of Part 3 of the Penal Code, relating to the establishment of the California Correctional Facility under the jurisdiction of the Department of Corrections, prescribing its purpose, and relating to the commitment and transfer of persons thereto and therefrom.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. Chapter 9 is added to Title 7 of Part 3 of the Penal Code to read:

CHAPTER 9. THE CALIFORNIA CORRECTIONAL FACILITY

California Correctional Facility

6200. There is hereby established an institution under the jurisdiction of the Department of Corrections to be known as the California Correctional Facility, hereinafter referred to as the "Correctional Facility."

Location

6201. The Correctional Facility shall be located on a segregated portion of the property occupied and attached to the California Institution for Men.

Primary purpose

6202. The primary purpose of the Correctional Facility shall be the receiving, segregation, confinement, treatment, and

care of males under the custody of the Department of Corrections or any agency thereof who are either:

(a) Partially physically incapacitated but ambulatory; or

(b) In need of special treatment due to advancing age or physical debility or who are otherwise chronically infirm.

(c) Or any other type prisoner deemed by the Adult Authority and the Director suitable for transfer to such institution.

6203. The Director of Corrections shall construct and equip, in accordance with law, suitable buildings, structures, and facilities for the Correctional Facility. Construction, etc., of buildings

6204. The Director of Corrections shall make rules and regulations for the government of the Correctional Facility in the management of its affairs. Rules and regulations

6205. The Director of Corrections shall appoint, subject to civil service, a superintendent for the Correctional Facility and such other officers and employees as may be necessary. Superintendent and other employees

6206. The supervision, management, and control of the Correctional Facility and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Department of Corrections. Supervision, etc., vested in Department of Corrections

6207. The provisions of Part 3 of this code, insofar as applicable, apply to the Correctional Facility and to the persons confined therein. Applicability

6208. Any person under the custody of the Director of Corrections may be transferred to the Correctional Facility in accordance with law. Persons subject to transfer

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CHAPTER 630

An act to amend Section 2700 of the Penal Code, relating to the compensation of prisoners.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.] In effect September 9, 1953

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

SECTION 1. Section 2700 of the Penal Code is amended to read:

2700. The Department of Corrections shall require of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each day and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the Director of Corrections. Labor required of prisoners

Each prisoner, who is engaged in productive work in any state prison or institution under the jurisdiction of the Department of Corrections as a part of the prison work program, may receive for his work such compensation as the Director of Corrections with the approval of the Department of Finance shall determine. Such compensation shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, but in no event Compensation Amount, source of payment, etc.

shall such compensation exceed ten cents ($0.10) per hour. Said compensation shall be credited to the account of the prisoner.

When any prisoner violates the rules of the prison or escapes, the Adult Authority shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the Correctional Industries Revolving Fund.

Said compensation shall be paid from the Correctional Industries Revolving Fund. Whenever by any statute a price is required to be fixed for any article, material, supply, or services to be produced, manufactured, supplied or performed in connection with the work program of the Department of Corrections, the compensation paid to prisoners shall be included as an item of cost in fixing the final statutory price.

Prisoners not engaged on work programs under the jurisdiction of the Correctional Industries Commission and financed out of the Correctional Industries Revolving Fund, but who are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of such prisoners shall be paid either out of funds appropriated by the Legislature for that purpose or out of such other funds available to the Department of Corrections for expenditure, as the Director of Finance may direct.

No restoration of civil rights, etc., intended

Nothing in this section or in Section 3323 of this code is intended to restore, in whole or in part, the civil rights of any prisoner. No prisoner compensated under this section or Section 3323 shall be considered as an employee or to be employed by the State or the Department of Corrections, nor shall any such prisoner come within any of the provisions of the Workmen's Compensation Insurance and Safety Act of 1917, now codified as Division 4 and Division 5 of the Labor Code, or be entitled to any benefits thereunder whether on behalf of himself or of any other person.

CHAPTER 631

An act to amend Section 402b of the Penal Code, relating to refrigerators, iceboxes, and deep freeze lockers.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. Section 402b of the Penal Code is amended to read:

Abandonment, etc., of icebox, refrigerator, etc., precautions necessary

402b. Any person who discards or abandons or leaves in any place accessible to children any refrigerator, icebox, or deep freeze locker, having a capacity of one and one-half cubic feet or more, which is no longer in use, and which has not had the door removed or such portion of the latch mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor. Any owner, lessee, or manager who knowingly per-

mits such a refrigerator, icebox, or deep freeze locker to remain on premises under his control without having the door removed or such portion of the latch mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor. Guilt of a violation of this section shall not, in itself, render one guilty of manslaughter, battery or other crime against a person who may suffer death or injury from entrapment in such refrigerator, icebox, or deep freeze locker.

Exemption

The provisions of this section shall not apply to any vendor or seller of refrigerators, iceboxes, or deep freeze lockers, who keeps or stores them for sale purposes, if the vendor or seller takes reasonable precautions to effectively secure the door of any such refrigerator, icebox, or deep freeze locker so as to prevent entrance by children small enough to fit therein.

CHAPTER 632

An act to add Sections 12301.2 and 12301.3 to, and amend Section 12200 of, the Financial Code, relating to the sale of checks, drafts, or money orders by licensees under the Check Sellers and Cashers Law.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 12301.2 is added to the Financial Code, to read:

Checks, etc., sold by licensee

12301.2. A check, draft, or money order sold by a licensee shall be drawn on an account of a licensee maintained at a bank authorized to do business in the State of California.

SEC. 2. Section 12301.3 is added to said code, to read:

Sale by officer, etc., of check, money order, etc

12301.3. A licensee shall not permit any officer, employee, or agent to sell any check, draft, or money order unless the signature of the person signing the same is on file with the bank on which the check, draft, or money order is drawn or the licensee shall have filed with the bank and the commissioner written authorization to said bank to pay any checks, drafts, or money orders presented for payment on a form of the licensee as described in the authorization except as to items as to which licensee has filed a stop payment notice with said bank.

SEC. 3. Section 12200 of said code is amended to read:

License

12200. No person shall engage in the business, for compensation, of selling checks, drafts, or money orders, or cashing checks, drafts, or money orders, or of receiving money as agent of an obligor for the purpose of paying bills, invoices, or accounts of such obligor without first obtaining a license from the commissioner.

CHAPTER 633

An act to amend the title to Chapter 1 of Division 1 of, and to amend Sections 50, 51 and 52 of, and to add Sections 53 and 54 to, the Military and Veterans Code and to amend Section 12040 of the Government Code, relating to the military department, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. The title to Chapter 1, Division 1, of the Military and Veterans Code is amended to read

CHAPTER 1. THE MILITARY DEPARTMENT

SEC. 2. Section 50 of said code is amended to read:

Military Department

50. There shall be in the State Government the Military Department.

SEC. 3. Section 51 of said code is amended to read:

Organization

51. The Military Department shall include the Office of the Adjutant General, the National Guard, the California National Guard Reserve, the California Cadet Corps and the Naval Militia.

SEC. 4. Section 52 of said code is amended to read:

Adjutant General

52. The Adjutant General succeeds to and is vested with the duties, powers, purposes, responsibilities and jurisdiction of the Division of Military Affairs and of the officers and employees of said division. The Adjutant General shall in addition to his other duties be the head of the Military Department and shall be responsible for its affairs, functions, duties, funds and property.

SEC. 5. Section 53 is added to said code, to read:

Effect on existing employees, etc

53. The creation of the Military Department shall in no manner affect the status, position, pay, classification, rights, duties, obligations, responsibilities, or tenure, as the same exist on the effective date of this act, of any person, employee, appointee, officer, enlisted person, warrant officer or commissioned officer employed, enlisted or appointed by or on duty with or in the service of the Office of the Adjutant General or the Adjutant General or the National Guard or the California National Guard Reserve or the California Cadet Corps or the Naval Militia.

SEC. 6. Section 54 is added to said code, to read:

Expenditure of funds for support

54. All unexpended balances appropriated for the use of the Office of the Adjutant General, the Adjutant General, the National Guard, the California National Guard Reserve or the Naval Militia and not required by the Office of the Adjutant General, the Adjutant General, the National Guard, the California National Guard Reserve or the Naval Militia may be expended by the Adjutant General for the use and benefit of the Military Department. Except as herein provided, all money

and funds available to or appropriated for the use and benefit of the Office of the Adjutant General, the Adjutant General, the National Guard, the California National Guard Reserve, the California Cadet Corps or the Naval Militia, upon the effective date of this act, shall not be affected by the creation of the Military Department.

SEC. 7. Section 12040 of the Government Code is amended to read:

12040. There is in the State Government the Governor's Council. It consists of the Directors of Finance, Education, Public Works, Motor Vehicles, Public Health, Mental Hygiene, Agriculture, Industrial Relations, Social Welfare, Natural Resources, Investment, Professional and Vocational Standards, Veterans Affairs, Corrections, Fish and Game, and the Youth Authority, the State Fire Marshal, the Chairman of the California Employment Stabilization Commission and the Adjutant General. Governor's Council

SEC 8. 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: Urgency

The proper functioning of the California National Guard is an important and integral part of the defense preparations of the State The international situation requires immediate changes in administrative organization and procedures which control, and in the status and employment of the California National Guard It is imperative that during the present emergency adequate provisions be immediately made concerning the use and operation of the state military forces.

CHAPTER 634

An act to amend Section 442 of the Education Code, relating to the compensation of the county superintendents of schools.

[Approved by Governor May 11, 1953 Filed with Secretary of State May 11, 1953.] In effect September 6, 1953

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

SECTION 1. Section 442 of the Education Code is amended to read:

442. The annual salary of the county superintendent of schools of a county of the forty-second class is six thousand dollars ($6,000), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education. El Dorado County Superintendent of School Salary

CHAPTER 635

An act to amend Section 28152 of the Government Code, relating to the compensation of county officers.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. Section 28152 of the Government Code is amended to read:

Amador County Salaries

28152. In a county of the fifty-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:

Auditor

(a) The auditor, two thousand seven hundred dollars ($2,700) a year.

District attorney

(b) The district attorney, four thousand two hundred dollars ($4,200) a year. He may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

Supervisors

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for his services as supervisor and ten cents ($0.10) a mile for traveling from his residence to the county seat and return for each regular or special session of the board.

Jurors

(d) Grand jurors and jurors in the superior court, six dollars ($6) for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled, in going only, while acting as such jurors. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 636

An act to amend Section 28129 of the Government Code, relating to compensation for public service in counties.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. Section 28129 of the Government Code is amended to read:

Kings County Salaries

28129. In a county of the twenty-ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

Auditor

(a) The auditor five thousand one hundred dollars ($5,100) a year.

District attorney

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. The district attorney shall devote his entire time during office hours to the work of the county and State

and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed six cents ($0.06) per mile. Supervisors

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case. Trial jurors

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court. Grand jurors

The compensation provided by this section shall be payable to incumbent officers. Incumbents

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CHAPTER 637

An act to repeal Section 13106 of the Government Code, and to add Section 6210.8 to the Public Resources Code, relating to the sale of abandoned river or slough channels by the State.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.] In effect September 9, 1953

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

SECTION 1. Section 13106 of the Government Code is hereby repealed. Repeal

SEC. 2. Section 6210.8 is added to the Public Resources Code, to read: Sale of abandoned navigable river or slough channel

6210.8. Whenever a navigable river or slough becomes abandoned and is no longer useful for navigation, the State Lands

Commission may sell, for cash, such abandoned river or slough channel to the abutting property owners or to anyone having an equitable interest therein. A patent for the land sold shall be issued in the name of the applicant. The commission shall send the patent to the Governor, together with a certificate stating that the laws in relation thereto have been complied with, that payment in full has been made, and that the person named in the prepared patent is entitled to it. The patent so issued shall inure to the benefit of the assigns, grantees, or successors in interest of said original applicant.

CHAPTER 638

An act to amend Section 3135 of the Financial Code and to add a new section to said code to be numbered 3138.5, relating to the liability of stockholders of trust companies which are not banks.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. Section 3135 of the Financial Code is amended to read:

Individual liability of stockholders, etc.

3135. The stockholders of every banking corporation organized under the laws of the State of California shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares, except that such liability shall not apply with respect to shares (1) issued on and after October 25, 1933, in any such corporation whose deposits are insured by the Federal Deposit Insurance Corporation or (2) issued after December 31, 1953, in any such corporation which is neither a commercial bank nor a savings bank.

Exemptions

SEC. 2. A new section is hereby added to the Financial Code, to be numbered 3138.5, to read as follows:

Termination of liability

3138.5. Any banking corporation which is neither a commercial bank nor a savings bank may, at any time while engaged in the trust business, terminate the liability imposed upon its stockholders by this article. Such termination of liability shall be effective six months after the corporation complies with all of the following requirements:

Requirements

(a) Have caused notice in writing of such prospective termination to be served upon the superintendent.

(b) Have caused a copy of such notice to be published in a newspaper of general circulation published in the city or town in which the corporation has its principal place of business, or, if no newspaper of general circulation is published in such city, the notice shall be published in a newspaper of general circulation published in the county in which such principal place of business is located.

CHAPTER 639

An act to amend Section 26003 of the Corporations Code, relating to fees under the Corporate Securities Law.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 26003 of the Corporations Code is amended to read:

Permit to issue securities. Application fees

26003. (a) The fee for filing an original or supplemental application for a permit to issue securities (except applications for permits to issue certificates of deposit, any guarantee of any security, or securities evidencing any change in the rights, preferences, privileges, or restrictions on outstanding securities, the fees for which applications are fixed in Sections 26006, 26007, and 26008, respectively) is twenty dollars ($20), plus the sum of the following:

(1) Fifteen one-hundredths of 1 percent of the amount of any excess of the aggregate value of the securities sought to be issued over one thousand dollars ($1,000) and not exceeding fifty thousand dollars ($50,000).

(2) Five one-hundredths of 1 percent of such amount in excess of fifty thousand dollars ($50,000) and not exceeding one hundred thousand dollars ($100,000).

(3) Three one-hundredths of 1 percent of such amount in excess of one hundred thousand dollars ($100,000) and not exceeding five hundred thousand dollars ($500,000).

(4) One one-hundredth of 1 percent of such amount in excess of five hundred thousand dollars ($500,000).

Determination of fees

(b) For the purpose of determining the fees fixed in subdivision (a):

(1) The value of the securities shall be their par or face value unless the consideration for the securities, as alleged in the application or as determined by the commissioner, is in excess of their par or face value, or the securities when issued will have a value, as determined by the commissioner, in excess of their par or face value, in which case the value of the securities shall be the value of the consideration so received or the value as determined by the commissioner, whichever is greater.

(2) Where the securities have no nominal or par value, the value of the securities shall be the price at which the company proposes to sell or issue the securities, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when issued, whichever is greater. However, until a new value has been established, each share of no par value stock shall have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(3) Interim or voting trust certificates shall have a value equal to the aggregate value of the securities to be represented by the interim or voting trust certificates.

(4) Rights, warrants, or other certificates evidencing rights to purchase additional securities shall have a value equal to the difference between the selling price of the securities represented by the rights, warrants, or other certificates and the market value of the securities so represented at the date of filing of application; provided, the market price is higher than the selling price, otherwise the rights, warrants, or other certificates shall be deemed to have no value, and the fee for filing such application is twenty dollars ($20).

(5) Where an application is made to issue securities containing a provision entitling the holders thereof to convert or exchange them for a different class of securities, the value of the securities to be so issued shall be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

CHAPTER 640

An act to amend Sections 7177 and 7178 of the Financial Code, relating to loans by savings and loan associations.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

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

SECTION 1. Sections 7177 and 7178 of the Financial Code are amended to read:

No loans to majority stockholder, officer, etc.

7177. No association shall directly or indirectly make any loans to its majority stockholder, or to any officer or director of such association, either for himself or as agent or as partner of another.

Loans to corporations

7178. No association shall make any loan to any corporation of which a majority of the stock is owned or controlled individually or collectively by any one or more of the directors, officers, or majority stockholder of such association, except with the consent of the commissioner.

CHAPTER 641

An act to amend Sections 5000, 5001, 5002, 5004, 5013, 5055, 5057, 5060, 5200, 5201, 5205, 5206, 5207, 5208, 5350, 5351, 5352, 5501, 5507, 5513, 5814, 8102, 9300, 9304, 9307, 9308, 9309, 9553, 10000, 10001, 10002, 10003, 10007, 10008, 10200, 11000 and the titles of Division 2, Part 1 of Division 2, Chapter 2 of Part 1 of Division 2, and Part 2 of Division 2 of the Financial Code, relating to building, savings and loan asso-

ciations and the administration of the law with respect thereto.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 11, 1953.]

In effect September 9, 1953

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

SECTION 1. The title of Division 2 of the Financial Code is amended to read:

DIVISION 2. SAVINGS AND LOAN ASSOCIATIONS

SEC. 2. The title of Part 1 of Division 2 of said code is amended to read:

PART 1. SAVINGS AND LOAN ASSOCIATIONS

SEC. 3. Section 5000 of said code is amended to read:

Short title

5000. This division is known and may be cited as the "Savings and Loan Association Law."

SEC. 4. Section 5001 of said code is amended to read:

Prohibition

5001. No person, except a corporation, shall conduct or carry on in this State the business of accumulating the savings of its shareholders, stockholders, members, or investors, and of loaning such accumulations in the manner of savings and loan associations. No corporation shall conduct or carry on such business except in accordance with the provisions of this division.

SEC. 5. Section 5002 of said code is amended to read:

Exemption

5002. This division does not apply to investment companies except in the case of investment companies which are also savings and loan associations as defined in this part.

SEC. 6. Section 5004 of said code is amended to read:

Use of name etc

5004. No person shall transact business in this State under any name or title which contains the term "building and loan," "building-loan," or "savings and loan," nor use any sign or circulate or use any letterhead, billhead, circular, or paper, or cause to be published any advertisement which indicates that his business is the character or kind of business carried on or transacted by an association, or which is calculated to lead the public to believe that his business is that of an association, unless he holds a valid, unrevoked license issued by the commissioner to transact business in this State, and is actually engaged in carrying on a savings and loan business in this State.

SEC. 7. Section 5013 of said code is amended to read:

Advertising Corporate name

5013. Any association whose corporate name does not include the words "building and loan," "building-loan," or "savings and loan" shall in all advertisements state "This is a savings and loan association," or words to that effect

SEC. 8. Section 5055 of said code is amended to read:

Definitions

5055. "Association" means a savings and loan association, as defined in this article, and except where otherwise indicated includes both domestic and foreign associations "Domestic association" means a savings and loan association incorporated

under the laws of this State, and "foreign association" means any other savings and loan association.

SEC. 9. Section 5057 of said code is amended to read:

5057. "Savings and loan association" means any institution incorporated to conduct, or conducting, the business of receiving and lending money in accordance with the provisions of this part, except federal savings and loan associations

SEC. 10. Section 5060 of said code is amended to read:

5060 "Commissioner" means the Savings and Loan Commissioner.

SEC. 11. The title of Chapter 2 of Part 1 of Division 2 of said code is amended to read:

CHAPTER 2. DIVISION OF SAVINGS AND LOAN

SEC. 12. Section 5200 of said code is amended to read:

Division of Savings and Loan Commissioner

5200. There is in the State Government a Division of Building and Loan, which shall hereafter be known as the Division of Savings and Loan. The chief officer of the Division of Savings and Loan is the Savings and Loan Commissioner.

SEC 13. Section 5201 of said code is amended to read:

Appointment

5201. The Savings and Loan Commissioner shall be appointed by the Governor, with the consent of the Senate, and holds office at the pleasure of the Governor. The commissioner shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, payable monthly out of the Savings and Loan Inspection Fund in the State Treasury, upon a warrant of the Controller

SEC 14. Section 5205 of said code is amended to read:

Compensation of assistants

5205. The commissioner's attorney, deputies, examiners, accountants, appraisers, and other assistants shall receive such compensation as is fixed by the commissioner, with the approval of the Department of Finance, payable out of the Savings and Loan Inspection Fund in the State Treasury

SEC 15. Section 5206 of said code is amended to read:

Traveling expenses

5206. The commissioner and his employees shall be paid their necessary traveling expenses incurred while traveling in the line of their duties from the Savings and Loan Inspection Fund in the State Treasury.

SEC. 16. Section 5207 of said code is amended to read:

Bonds

5207. The commissioner, at any time, may require any deputy, examiner, or other assistant appointed or employed by him to post a bond in such amount as the commissioner deems necessary or expedient, with sufficient sureties approved by him, and in such form and upon such conditions as are approved by him and the Attorney General. The premium or charge for any bond given by a surety company pursuant to this section shall be paid out of the Savings and Loan Inspection Fund except where such expense is made a charge against an association in liquidation No premium or charge for any such bond shall exceed one-half of 1 percent per annum on the amount of the bond.

SEC. 17. Section 5208 of said code is amended to read:

5208. The commissioner shall procure and have offices in the City and County of San Francisco and in the City of Los Angeles. The commissioner shall provide for such stationery, printing, postage, and all other necessary expenditures as are necessary for the proper conduct of his offices. All expenses for conducting the commissioner's offices shall be paid from the Savings and Loan Inspection Fund except where such expenses are made a charge against an association in liquidation. Offices

SEC. 18. Section 5350 of said code is amended to read:

5350. The "Building and Loan Inspection Fund" is continued in existence in the State Treasury, and shall hereafter be known as the "Savings and Loan Inspection Fund," and all money collected or received by the commissioner under this division except money belonging to associations whose business, property, and assets are in the possession of the commissioner, shall be deposited with the State Treasurer to the credit of such fund "Savings and Loan Inspection Fund"

SEC. 19. Section 5351 of said code is amended to read:

5351. The "Savings and Loan Inspection Fund" shall only be used to defray the salaries and expenses provided for in this division

SEC. 20. Section 5352 of said code is amended to read:

5352. The commissioner shall pay to the General Fund in the State Treasury from the money received under the provisions of this division a sum equal to all money which has been, or may be appropriated or advanced out of the General Fund to the use of the Savings and Loan Inspection Fund on the condition or with the intention that the amount so appropriated or advanced should be returned. General Fund

SEC. 21. Section 5501 of said code is amended to read:

5501. The name of each domestic association incorporated after August 14, 1931, shall include the words "building and loan association," "building-loan association," or "savings and loan association." Name

No association incorporated after January 1, 1954, shall include in its name the words "building and loan association" or "building-loan association," except as provided in Section 9553.

SEC. 22. Section 5507 of said code is amended to read:

5507. The articles of incorporation of a proposed domestic association shall be submitted to the commissioner together with a copy of the proposed by-laws and an application, signed by a majority and verified by one of the directors, requesting approval. The application shall set forth: Application Contents

(a) The names and addresses of the incorporators, directors, and officers, with a statement of their character, experience, and general fitness to engage in the savings and loan business

(b) An itemized statement of the estimated receipts and expenditures of the proposed association for the first year or such longer period as the commissioner in his discretion may require.

(c) A showing that the public convenience and advantage will be promoted by the formation of the proposed association.

(d) Any other matters the commissioner may require.

SEC. 23. Section 5513 of said code is amended to read:

Denial of certificate Grounds

5513. The commissioner may refuse to execute his certificate of approval, if upon his examination and investigation, he finds any of the following:

(a) That the corporation is to be formed for any business other than legitimate savings and loan business

(b) That the incorporators, directors or officers lack the character, experience, or general fitness to engage in such business.

(c) That the association's financial program is unsound.

(d) That the area where the association is to be located is adequately served by one or more existing associations or federal savings and loan associations.

(e) That the public convenience and advantage will not be promoted by the formation of such association.

SEC. 24. Section 5814 of said code is amended to read:

Foreign associations

5814. No foreign association shall conduct a savings and loan business in this State, unless it is an association licensed to transact such business as of September 15, 1935, or an association arising out of the rehabilitation, readjustment, consolidation, merger, or reorganization of any such association.

SEC. 25 Section 8102 of said code is amended to read:

Statements in certificate

8102. All certificates issued after August 14, 1931, evidencing shares or investment certificates shall state the period of notice required to withdraw and shall also state that the right of the holder to withdraw funds is subject to the provisions of this chapter or that such right is subject to the provisions of the Building and Loan Association Law or of the Savings and Loan Association Law governing withdrawals.

SEC. 26. Section 9300 of said code is amended to read:

Conversion of federal to state association Voting

9300. Any federal savings and loan association may convert itself into a savings and loan association under the laws of this State upon a vote of 51 percent or more of the votes of members of such federal savings and loan association cast at any regular or special meeting called to consider such action.

SEC. 27. Section 9304 of said code is amended to read:

Procedure

9304. After a meeting as provided for in Section 9300, the federal association shall take or cause to be taken such action in the manner prescribed and authorized by this division as shall make it a savings and loan association of this State. The directors elected at such meeting shall file the documents and take such proceedings as are required by this division in the case of the original incorporation of a savings and loan association. No savings and loan association incorporated by conversion from a federal savings and loan association is required to comply with any of the provisions of law or any regulations promulgated by the commissioner relating to the minimum amounts of capital required to be subscribed in connection with the original incorporation of a savings and loan association under this division.

SEC. 28. Section 9307 of the said code is amended to read:

9307. Upon the filing of the articles of incorporation with the Secretary of State, the association ceases to be a federal savings and loan association and is a savings and loan association under the laws of this State. All of the property of such association, including all of its right, title, and interest in and to all property of every kind and character immediately, by operation of law and without any conveyance or transfer, and without any further act or deed, is vested in the association under its new name and style as a savings and loan association and under its new jurisdiction. State jurisdiction

SEC. 29. Section 9308 of said code is amended to read:

9308. The converted savings and loan association shall have, hold, and enjoy the property mentioned in Section 9307 in its own right as fully and to the same extent as the property was possessed, held, and enjoyed by it as a federal savings and loan association and the converted savings and loan association continues responsible for all of the obligations of the federal savings and loan association to the same extent as though conversion had not taken place. The converted savings and loan association is merely a continuation of the federal savings and loan association under a new name and new jurisdiction and such revision of its corporate structure as is considered necessary for its proper operation under the new jurisdiction. Rights and liabilities of converted association

SEC. 30. Section 9309 of said code is amended to read:

9309. Every executor, administrator, trustee, guardian, receiver, fiduciary, public corporation, political subdivision, public instrumentality, charitable institution, educational, and eleemosynary institution, bank, savings bank, trust company, financial institution, insurance company, or cemetery association, without the necessity of obtaining court approval may: Rights of trustees, etc

(a) Vote in person or by proxy in favor of converting a federal savings and loan association into a savings and loan association, or may approve the determination to so convert

(b) Exchange any shares, share accounts or other rights or claims, for securities issued by such savings and loan association, and hold such securities as legal investments

SEC. 31. Section 9553 of said code is amended to read:

9553. Any new association formed, pursuant to a plan, which continues the savings and loan business of an existing association, may adopt and use the name of such existing association or any part of such name. New association name

SEC. 32. The title of Part 2 of Division 2 of said code is amended to read:

PART 2. BORROWERS' MUTUAL SAVINGS AND LOAN ASSOCIATIONS

SEC. 33. Section 10000 of said code is amended to read:

10000. "Borrowers' mutual savings and loan association" means any incorporated institution which meets all the following requirements: "Borrowers' mutual savings and loan association"

Requirements

(a) The association is incorporated to conduct or is engaged in conducting, the business of borrowing, receiving, and lending money, in accordance with the provisions of this part only.

(b) The association has withdrawable capital only.

(c) The association makes loans on the mutual plan only.

(d) The association issues no investment certificates.

(e) The association does not conduct or maintain any branches.

(f) The association has its principal office in a city or town of not more than 10,000 population if it was incorporated after August 14, 1931.

SEC. 34. Section 10001 of said code is amended to read:

Exceptions

10001. This part of this division is an exception to the other provisions of this division. Nothing contained in Part 1 of this division in any manner affects, controls, or applies to any borrowers' mutual savings and loan association, except as are expressly made applicable by this part.

SEC. 35. Section 10002 of said code is amended to read:

10002. This part does not affect, control, or apply to any associations except borrowers' mutual savings and loan associations.

SEC. 36. Section 10003 of said code is amended to read:

Supervision and control

10003. Borrowers' mutual savings and loan associations doing business in this State are under the supervision and control of the Savings and Loan Commissioner

SEC. 37. Section 10007 of said code is amended to read:

Powers

10007. Borrowers' mutual savings and loan associations may do any of the following:

(a) Receive money and accumulate funds to be loaned and loan the funds to the shareholders.

(b) Permit shareholders and investors to withdraw part or all of their payments or investments.

(c) Prescribe the terms and conditions of withdrawal.

(d) Cancel shares, the payments on which have been withdrawn.

(e) Borrow money for the purpose of making loans and paying withdrawals and maturities and other obligations.

(f) Pledge, hypothecate, or otherwise encumber any of the notes, bonds, or other securities held by the association, together with the mortgages, trust deeds, and other security.

(g) Become a member of a federal home loan bank or other similar federal agency.

(h) Any other act specifically set forth in this part.

SEC. 38. Section 10008 of said code is amended to read:

Prohibitions

10008. No borrowers' mutual savings and loan association shall have or carry upon its books for any member or investor, any demand, commercial or checking account, or any credit to be withdrawn upon the presentation of any negotiable check or draft.

SEC. 39. Section 10200 of said code is amended to read:

Membership

10200. Any adult person of sound mind may become a member of a borrowers' mutual savings and loan association by

taking one or more shares therein, subscribing to the by-laws, and annexing to his signature his post-office address.

SEC. 40. Section 11000 of said code is amended to read:

11000. Every federal savings and loan association incorporated under the provisions of the Home Owners' Loan Act of 1933, as now or hereafter amended, and the holders of shares or share accounts issued by any such association, respectively, have all the rights, powers, and privileges, and are entitled to the same exemptions and immunities granted, respectively, to savings and loan associations organized under the laws of this State and to the holders of investment certificates, membership shares, or guarantee stock of domestic associations.

Rights of association incorporated under Home Owners' Loan Act of 1933

SEC 41. Whenever in the laws of this State the words "Building and Loan Association Law," "Division of Building and Loan" "Building and Loan Commissioner," "Building and Loan Inspection Fund," "building and loan association," and "building and loan business" appear, they shall mean "Savings and Loan Association Law," "Division of Savings and Loan," "Savings and Loan Commissioner," "Savings and Loan Inspection Fund," "savings and loan association," and "savings and loan business," respectively.

Definitions

CHAPTER 642

An act to amend Sections 12214, 12217, 12218, 12220, 12222, and 12301 of the Financial Code, relating to the Check Sellers and Cashers Law.

[Approved by Governor May 11, 1953 Filed with Secretary of State May 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 12214 of the Financial Code is amended to read:

12214 An applicant at the time of filing an application for a license under this division shall pay to the commissioner the sum of fifty dollars ($50) as a fee for investigating the application and the additional sums of one hundred dollars ($100) as a license fee for its principal office or place of business, twenty dollars ($20) for each branch office or mobile unit, and three dollars ($3) for each agency for a period terminating on the last day of the current calendar year. A mobile unit may only be operated as a branch office of a licensee and each mobile unit shall constitute a branch office.

Fees

SEC. 2. Section 12217 of said code is amended to read:

12217. Each license shall state the following:

Licenses Contents

(a) The name of the licensee, and if the licensee is a partnership or association the names of the members, or if the licensee is a corporation the date and place of its incorporation.

(b) The address at which such business is to be conducted.

(c) The type of business licensed.

SEC. 3 Section 12218 of said code is amended to read:

Posting

12218. The license shall be kept conspicuously posted in the place of business of the licensee.

SEC. 4. Section 12220 of said code is amended to read:

Expiration date

12220. Licenses expire on the thirty-first day of December following the date of issuance, unless on or before the fifteenth day of December prior to the expiration date the licensee files an application for renewal in the form prescribed by the commissioner and pays to the commissioner the license fees as prescribed in this chapter.

SEC. 5. Section 12222 of said code is amended to read:

Investigation fee

12222. If an application is denied or withdrawn the commissioner shall retain the investigation fee to cover the costs of investigating the application and return the license fees to the applicant.

SEC. 6. Section 12301 of said code is amended to read:

Branch offices, agencies of licensees

12301. A licensee may establish branch offices or agencies if it expressly assumes responsibility for the acts of any person selling checks or cashing checks, drafts, or money orders for the licensee or accepting money in its name or on its behalf at such place of business. There shall be posted in a prominent place in each branch office or agency a sign stating that the place of business is a branch office or agency of the licensee. The licensee is responsible for the acts of any person selling checks or cashing checks, drafts, or money orders or accepting money in its name or on its behalf.

CHAPTER 643

An act to amend Sections 14453, 14455, 14455.1, and 14455.2 of the Health and Safety Code, relating to the election of commissioners of county fire protection districts.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 14453 of the Health and Safety Code is amended to read:

Appointment or election of commissioners

14453. The board may, by resolution or order entered upon its minutes, either appoint five commissioners or it may call for the election of five commissioners, in accordance with the election provisions of the District Organization Law, Sections 58160 to 58180, inclusive, of the Government Code, to act as its agents in managing the affairs of the district and in exercising any or all of the powers vested in it. Commissioners so appointed shall:

(a) Hold office at the pleasure of the board and serve without compensation.

(b) Elect one of their number president and another secretary.

(c) Hold meetings periodically and as often as the business of the district may require.

SEC. 2. Section 14455 of said code is amended to read:

14455. The board of supervisors may, by resolution or order entered upon its minutes, either appoint a commission of five commissioners or it may call for the election of five commissioners, in accordance with the election provisions of the District Organization Law, Sections 58160 to 58180, inclusive, of the Government Code, to manage the affairs of the district.

Terms and compensation of commissioners

SEC. 3. Section 14455.1 of said code is amended to read:

14455.1. If the commissioners are appointed by the board, they shall hold office at the pleasure of the board. If the commissioners are elected, they shall hold office for a term of three years. They shall serve without compensation, but may be paid their actual and necessary traveling expenses while on the business of the district. On adoption of a resolution of the board of supervisors permitting reimbursement for travel expense and establishing maximum amounts allowable, the commissioners and employees of the district may be reimbursed for reasonable expenses, including transportation, in attending professional or vocational meetings outside the county in which the district is situated

SEC 4 Section 14455 2 of said code is amended to read·

14455.2. Commissioners appointed or elected shall organize by electing one of their number president, and by electing a secretary, who need not be a commissioner, and who may or may not be compensated for his services.

President and secretary

CHAPTER 644

An act to amend Section 44.11 of the Vehicle Code, relating to authorized emergency vehicles.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953]

In effect September 9, 1953

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

SECTION 1. Section 44.11 of the Vehicle Code is amended to read:

44.11. Lifeguard or Lifesaving Equipment In addition to the vehicles designated as "authorized emergency vehicles" by Section 44, the provisions of this code relating to authorized emergency vehicles shall apply to any lifeguard or lifesaving automotive equipment which is owned by the State of California or by any city, city and county or county and operated exclusively as such by any officer or employee of the State or of any such agency in responding to emergency calls and when operating under a permit issued by the Chief of the California Highway Patrol and such automotive equipment shall constitute "authorized emergency vehicles."

Additional "authorized emergency vehicles"

CHAPTER 645

An act to amend Section 158 of the Vehicle Code, relating to display of license plates.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 158 of the Vehicle Code is amended to read:

Display of license plates

158. Display of License Plates. (a) License plates issued for a motor vehicle other than a motorcycle or power cycle shall be attached thereto, one in the front and the other in the rear. The license plate issued for all other vehicles required to be registered hereunder shall be attached to the rear thereof.

Manner of attachment

(b) Every license plate shall at all times be securely fastened to the vehicle for which it is issued so as to prevent the plate from swinging and at a minimum distance of 12 inches from the ground in a position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

Period of attachment

(c) Every license plate issued by this State or any other jurisdiction within or without this Country shall remain attached during the period of its validity to the vehicle for which it is issued while being operated within this State or during the time such vehicle is being held for sale in this State, except as otherwise permitted by law with reference to special plates issued to a manufacturer, transporter or dealer and except plates issued for vehicles which are exempt from payment of registration fees or plates which bear other distinguishing marks or symbols when such vehicles are no longer exempt from payment of registration fees or no longer entitled to plates bearing distinguishing marks or symbols. This section shall not apply to plates which the department as authorized has ordered to be surrendered, transferred to another vehicle or removed.

Seizure of unattached plates

(d) The department may seize any license plate which is not attached to the vehicle for which issued when and as required hereunder and may attach or require such plate to be attached to the proper vehicle.

CHAPTER 646

An act to amend Section 4536 of the Elections Code, relating to campaign statements.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 4536 of the Elections Code is amended to read:

4536. No officer shall issue any certificate of nomination or election to any person until his campaign statement has been filed. No other statement of expenses at a primary shall be required. The clerk of the county in which the person resides shall send to him the necessary forms for submitting his campaign statement not more than three days after the election. Campaign statements

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CHAPTER 647

An act to amend Section 7540 of the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.] In effect September 9, 1953

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

SECTION 1. Section 7540 of the Business and Professions Code is amended to read:

7540. No licensee shall conduct a business under a fictitious name unless and until he has obtained the written authorization of the bureau so to do. Fictitious name

The bureau shall not authorize the use of a fictitious name which is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled thereby. Misleading name

The authorization shall require, as a condition precedent to the use of such name, the filing of a certificate of doing business under a fictitious name with the county clerk of the county where the licensee's principal place of business is located, in the manner provided in Chapter 2 of Title 10 of Part 4 of Division 3 of the Civil Code. Certificate

A licensee desiring to conduct his business under more than one fictitious name shall obtain the authorization of the bureau in the manner prescribed in this section for the use of each such name. Additional names

The licensee shall pay a fee of ten dollars ($10) for each authorization to use an additional fictitious name. Fee

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CHAPTER 648

An act to amend Sections 7545 and 7580 of, and to add Section 7527.5 to, the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.] In effect September 9, 1953

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

SECTION 1. Section 7545 of the Business and Professions Code is amended to read:

Surety bond

7545. No license shall be issued under this chapter unless the applicant files with the director a surety bond executed by a surety company authorized to do business in this State in the sum of two thousand dollars ($2,000) conditioned for the faithful and honest conduct of his business by such applicant. Such bond as to its form, execution and sufficiency of the sureties shall be approved by the director.

SEC. 2. Section 7527.5 is added to said code, to read:

Subsequent examination fees

7527.5. Payment of the application fee prescribed by this chapter entitles an applicant or his manager to one examination without further charge. If the person fails to pass the examination, he shall not be eligible for any subsequent examination except upon payment of the re-examination fee prescribed by this chapter for each such subsequent examination.

SEC. 3. Section 7580 of said code is amended to read:

Fees

7580. The amount of fees prescribed by this chapter, unless otherwise fixed, is that fixed in the following schedule:

(a) The application fee for an original license in any classification is twenty-five dollars ($25).

(b) The fee for an original license as a private investigator, or as a private investigator and private patrol operator shall be fixed by the director at not more than fifty dollars ($50) nor less than twenty-five dollars ($25).

(c) The fee for an original license as a private patrol operator shall be fixed by the director at not more than twenty-five dollars ($25) nor less than twelve dollars ($12).

(d) The amount of the renewal license fee for any classification is the same as fixed herein for the original license fee.

(e) The application and license fee for classifications prescribed by the director, in addition to those provided for in this chapter, and the application and license fees for a change in the type of business organization of a licensee, shall be in the amount prescribed by rule and regulation of the director.

(f) The reinstatement fee for a license which has been forfeited for failure to renew within the time fixed by this chapter is the amount of the annual license fee plus a penalty of fifty percent (50%) thereof.

(g) The fee for an original license as an insurance adjuster shall be the same as prescribed in subdivision (b) of this section.

(h) The fee for the issuance of a branch office certificate is five dollars ($5).

(i) The fee for re-examination of an applicant or his manager is ten dollars ($10).

CHAPTER 649

An act to amend Section 13926 of the Government Code, relating to awards for state employees.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 13926 of the Government Code is amended to read:

13926. The State Board of Control may make awards to state employees who propose procedures or ideas which hereafter have been adopted and which will result in eliminating or reducing state expenditures or improving operations, provided such proposals are placed in effect

Awards to state employees

Any award made by the State Board of Control under the provisions of this section may be paid from the appropriation available to the state agency affected by the adopted proposal.

The board may adopt rules and regulations to carry out the provisions of this section, and may appoint merit award boards made up of state officers, employees or citizens to consider employee proposals and to make recommendations to the board as to the merit of the proposal and whether or not the proposal justifies an award.

Any award granted under the provisions of this section shall be limited to one hundred fifty dollars ($150) unless a larger award is approved by concurrent resolution of the Legislature.

Amount

When requested by the State Board of Control the Department of Finance may furnish such assistance as may be necessary to carry out the provisions of this section. Any expenditures made or costs incurred heretofore or hereafter by the Department of Finance for the purposes of this section may be paid from funds available for the support of the Department of Finance.

CHAPTER 650

An act to amend Sections 1403 and 1411 of the Fish and Game Code, relating to burros, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

In effect immediately

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

SECTION 1. Section 1403 of the Fish and Game Code is amended to read:

1403. It is unlawful to kill any undomesticated burro. An undomesticated burro, for the purpose of this chapter, is a wild burro or a burro which has not been tamed or domesticated for a period of three years after its capture. The fact that a burro was killed or captured on publicly owned land, or on land owned by a person or persons other than the killer or capturer is prima facie evidence that the burro was wild or undomesticated at the time it was killed or captured. The commission has no power to modify the provisions of this section by any order, rule, or regulation under Article 1, Chapter 2, Division 1, or any other provision, of this code.

Killing undomesticated burro

This section shall remain in effect until the ninety-first day after the final adjournment of the Regular Session of the Legislature in 1955.

Expiration date

SEC. 2. Section 1411 of said code is amended to read:

Penalties

1411. Violation of any provision of Article 2 of Chapter 3 of Part 3 of Division 4, relating to elk and sea otter, or of Chapter 2 of Division 4a, relating to burros, is a misdemeanor, punishable by imprisonment in the county jail for a term not exceeding one year, or a fine not exceeding one thousand dollars ($1,000) or by both such fine and imprisonment.

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:

There is no law in this State which prohibits the wanton shooting of an undomesticated burro and simply leaving it to die. These little animals are descendants of domesticated burros and while they are "wild" in the sense that they are free from man's dominion, they do not possess the instinctive fear of man that is common to truly wild animals. The undomesticated burros live principally in the desert areas of the State and each year numbers of them are wantonly and purposelessly wounded or killed simply because they present inviting and unresisting targets for high-powered rifles in the hands of trigger-happy individuals bereft of any proper spirit of humaneness. The surviving little bands of undomesticated burros form a living link with the pioneer development of this State in which their forebears played a humble but essential part. In order that such burros may be preserved from extinction it is necessary that this act take effect immediately.

CHAPTER 651

An act to amend Sections 1711 and 1712 of, and to add Sections 1711.5 and 1720 to, and to repeal Section 1720 of, the Welfare and Institutions Code, relating to the Youth Authority.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 1711 of the Welfare and Institutions Code is amended to read:

Youth Authority Membership

1711. The Authority shall consist of five members, one of whom shall be a woman, who shall devote their entire time to its work.

SEC. 2. Section 1711.5 is added to said code, to read:

Panels

1711.5. The Authority may meet and transact business in panels. Each Authority panel shall consist of at least two members of the Authority. Two members of the Authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority vote of those present.

SEC. 3. Section 1712 of said code is amended to read:

1712. Of the five positions on the Authority, three positions shall be filled by appointment by the Governor of a person who meets the requirements of this chapter. Appointments

Two positions on the Authority shall be filled by appointment by the Governor from the list of persons recommended by the Advisory Panel for that appointment.

SEC. 4. Section 1720 of said code is repealed. Repeal

SEC. 5. Section 1720 is added to said code, to read:

1720. The terms of office of members of the Authority shall expire as follows: Two on March 15, 1955 and three on March 15, 1957. Their successors shall hold office for terms of four years and until the appointment and qualification of their successors, each such term to commence on the expiration date of the term of the predecessor. Members shall be eligible for reappointment. Terms

SEC. 6. It is the intention of the Legislature that two of the members of the Youth Authority in office when this act becomes effective shall hold office until March 15, 1955, the third such member until March 15, 1957, and the two additional members until March 15, 1957. Incumbents

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CHAPTER 652

An act to add Sections 1469 and 1470 to the Civil Code, relating to covenants in leases affecting contiguous real property.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1469 is hereby added to the Civil Code, to read as follows:

1469. Each covenant made by the lessor in a lease of real property to do any act or acts on other real property which is owned by the lessor and is contiguous (except for intervening public streets, alleys or sidewalks) to the real property demised to the lessee shall, except as provided by Section 1466, be binding upon each successive owner, during his ownership, of any portion of such contiguous real property affected thereby where all of the following requirements are met: Affirmative covenants of lessor Binding on successors

(a) Such contiguous real property is particularly described in the lease;

(b) Such successive owners are in the lease expressed to be bound thereby for the benefit of the demised real property;

(c) Each such act relates to the use, repair, maintenance or improvement of, or payment of taxes and assessments on, such contiguous real property or some part thereof;

(d) The lease is recorded in the same manner as grants of real property, in the office of the recorder of each county in which such contiguous real property or some part thereof is situate.

Burden apportioned

Where several persons are subject to the burden of any such covenant, it shall be apportioned among them pursuant to Section 1467, except that where only a portion of such contiguous real property is so affected thereby, such apportionment shall be only among the several owners of such portion. This section shall apply to the mortgagee, trustee or beneficiary of a mortgage or deed of trust upon such contiguous real property or any part thereof while but only while he, in such capacity, is in possession thereof.

SEC. 2. Section 1470 is hereby added to the Civil Code, to read as follows:

Negative covenants of lessor Binding on successors

1470. Each covenant made by the lessor in a lease of real property not to use or permit to be used contrary to the terms of such lease any other real property which is owned by the lessor and is contiguous (except for intervening public streets, alleys or sidewalks) to the real property demised to the lessee shall, except as provided by Section 1466, be binding upon each successive owner, during his ownership, of any portion of such contiguous real property affected thereby and upon each person having any interest therein derived through any owner thereof where all of the following requirements are met:

(a) Such contiguous real property is particularly described in the lease;

(b) Such successive owners and persons having any such interest are in the lease expressed to be bound thereby for the benefit of the demised real property;

(c) The lease is recorded in the same manner as grants of real property, in the office of the recorder of each county in which such contiguous real property or some part thereof is situate.

Burden apportioned

Where several persons are subject to the burden of any such covenant, it shall be apportioned among them pursuant to Section 1467, except that where only a portion of such contiguous real property is so affected thereby, such apportionment shall be only among the several owners of, and persons having any such interest in, such portion. This section shall apply to the mortgagee, trustee or beneficiary of a mortgage or deed of trust upon such contiguous real property or any part thereof while and only while he, in such capacity, is in possession thereof.

CHAPTER 653

An act to add Section 2103.1 to the Education Code, relating to the Public School System.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 2103.1 is added to the Education Code, to read:

2103.1. In any school district situated wholly or partly within a city of the second class, each member of the city board of education may receive as compensation for his services the sum of twenty-five dollars ($25) for each meeting of the board actually attended, not to exceed one hundred dollars ($100) in any one calendar month. A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

Board of education Compensation

CHAPTER 654

An act to repeal Sections 650 and 659 of, and to add Section 651.1 to, the Fish and Game Code, relating to salmon, and declaring the urgency thereof.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953]

In effect immediately

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

SECTION 1. Section 650 of the Fish and Game Code is repealed.

SEC. 2. Section 651.1 is added to said code, to read:

651.1. In Districts 6, 7, 10, 11, 15, 16, 17, and 18, under the authority of a commercial fishing license, king salmon may be taken by hook and line between May 1st and September 30th. Silver salmon may be taken by hook and line between July 1st and September 30th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

Taking of king and silver salmon

It is unlawful to import into this State any king or silver salmon less than the lengths prescribed herein.

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 651 and 660 shall remain in effect insofar as commercial fishing is concerned. Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that such laws or regulations are in effect. the Secretary of State shall notify the department that Section 651.1

is in effect for the year concerned. In order for this section to be effective such notification must be made prior to April 15th of each year.

Repeal

SEC. 3. Section 659 of said code is repealed.

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:

This legislation results from the recommendation of the Pacific Marine Fisheries Commission for a coast-wide opening of the salmon season which would permit the salmon to grow to a larger size before being taken, and would permit better escapement to the spawning streams. The other two states, Oregon and Washington, and Canada want to make this coast-wide program effective in 1953, which they can do by regulation, but which requires legislation in California. In order to give Oregon and Washington sufficient time to act it will be necessary for this bill to be effective as of April 15, 1953.

CHAPTER 655

An act to amend Section 360.5 of the Code of Civil Procedure, relating to waivers of the statute of limitations.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 360.5 of the Code of Civil Procedure is amended to read:

Statutes of limitations Waivers

360.5. No waiver shall bar a defense to any action that the action was not commenced within the time limited by this title unless the waiver is in writing and signed by the person obligated. No waiver executed prior to the expiration of the time limited for the commencement of the action by this title shall be effective for a period exceeding four years from the date of expiration of the time limited for commencement of the action by this title and no waiver executed after the expiration of such time shall be effective for a period exceeding four years from the date thereof, but any such waiver may be renewed for a further period of not exceeding four years from the expiration of the immediately preceding waiver. Such waivers may be made successively. The provisions of this section shall not be applicable to any acknowledgment, promise or any form of waiver which is in writing and signed by the person obligated and given to any county to secure repayment of indigent aid or the repayment of moneys fraudulently or illegally obtained from the county.

CHAPTER 656

An act to add Section 19622.7 to the Business and Professions Code, relating to appropriations from the Fair and Exposition Fund.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 19622.7 is added to the Business and Professions Code, to read:

19622.7. The Controller shall pay from the fund to the 1-A District Agricultural Association the appropriation for the support of 1-A District Agricultural Association.

1-A District Agricultural Association Support

CHAPTER 657

An act to add Section 53200.1 to the Government Code, relating to county group insurance plans, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

In effect immediately

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

SECTION 1. Section 53200.1 is added to the Government Code, to read:

53200.1. For the purposes of this article, employees employed by the county superintendent of schools and whose salaries are paid from the county school service fund are county employees. The employer's contribution for such employees is a proper charge against the county school service fund.

County employees

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

At the present time there are certain employees of the county superintendent of schools whose retirement rights are doubtful. In order to clarify these rights and to provide such employees with some measure of security which will enable them to retire after many years of service with reasonable retirement allowances, it is necessary that their definite inclusion in a retirement plan be authorized as soon as possible. It is, therefore, necessary that this act take effect immediately.

CHAPTER 658

An act to amend Section 1.25 of Chapter 390 of the Statutes of 1909, relating to the use and transfer of certain lands granted to the City of Oakland.

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 1.25 of Chapter 390 of the Statutes of 1909 is amended to read:

Authority to grant tidelands to State

Sec. 1.25. The city, acting by and through its city council and board of port commissioners may give or grant to the State of California or its appropriate agency or authority such part of the tidelands salt marsh and submerged lands described herein, whether filled or unfilled, as shall be required to construct, operate and maintain structures, facilities and yard space for the use of the National Guard, and other state militia purposes, upon such terms and conditions as may be agreed upon by the city and the State, or its agency or officers having authority therein; provided, that upon the cessation of the use of such lands by the State, or its agency or proper authority, or their successors, for the purposes herein set forth, such lands shall revert to the city subject to the uses, purposes and conditions in this act originally provided.

CHAPTER 659

An act to amend Section 45.8 of the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935) and Sections 1755 and 1757 of the Unemployment Insurance Code, relating to garnishment of employer's creditors.

In effect September 9 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 45.8 of the Unemployment Insurance Act is amended to read as follows:

Notice of delinquency to creditors

Sec 45.8. (a) If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this act, the director may, not later than three years after the payment became delinquent or within five years of the last recording of an abstract under Section 45.9 or of a certificate under Section 45.10, give notice of the amount of such delinquency by registered mail, to all persons having in their possession or under their control any credits or other personal property belonging to such delinquent person or employing unit, or owing any debts to such person or employing unit at the time of the receipt of the registered notice. Any person

so notified shall neither transfer nor make any disposition of such credits or other personal property or debts without retaining an amount sufficient to pay the amount specified in said notice until the director shall have consented to a transfer or disposition, or until 45 days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the director of any and all such credits, other personal property or debts, in their possession, under their control, or owing by them, as the case may be. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held.

Liability of creditors

(b) If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the credits or personal property required to be withheld hereunder, he shall be personally liable to the department, to the extent of the value of the property or the amount of the debts thus transferred or paid, if solely by reason of such transfer or disposition, the department is unable to recover the contributions, penalties, or interest owing by the person with respect to which the notice was given.

"Person"

(c) Person as used in this section includes this State, any county, city and county, municipality, district or other political subdivision thereof.

(d) In case of the State, the notice shall be given to the state department, board, office or commission prior to the time it presents the claim of such person or employing unit to the State Controller.

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of the Statutes of 1953, as required by Section 9762 of the Government Code

Effect Stats. 1953, Ch 308

SEC. 4. Sections 2 and 3 of this act become operative only if the Unemployment Insurance Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said code takes effect, at which time Section 45.8 of the Unemployment Insurance Act as amended by this act is repealed.

CHAPTER 660

An act to add Section 214.5 to the Revenue and Taxation Code, relating to the "welfare exemption."

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953]

In effect September 9, 1953

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

SECTION 1. Section 214.5 is added to the Revenue and Taxation Code, to read:

Schools exempted

214.5. Property used exclusively for school purposes of less than collegiate grade, or exclusively for purposes of both schools of and less than collegiate grade, and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of Section 214, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and Section 214. This section shall not be construed to enlarge the college exemption.

CHAPTER 661

An act to amend Sections 154, 6556, 6558, *7000 and 7000.5 of the Welfare and Institutions Code and to amend the heading of Chapter 3 of Part 4 of Division 6 thereof, relating to state institutions under the jurisdiction of the Department of Mental Hygiene.*

In effect September 9, 1953

[Approved by Governor May 11, 1953. Filed with Secretary of State May 12, 1953.]

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

SECTION 1. Section 154 of the Welfare and Institutions Code is amended to read:

Department of Mental Hygiene Jurisdiction

154. The department has jurisdiction over the following institutions:

Agnews State Hospital.
Atascadero State Hospital.
Camarillo State Hospital.
DeWitt State Hospital.
Fairview State Hospital.
Mendocino State Hospital.
Modesto State Hospital.
Napa State Hospital.
Norwalk State Hospital.
Pacific State Hospital.
Patton State Hospital.
Porterville State Hospital.
Sonoma State Hospital.
Stockton State Hospital.
The Langley Porter Clinic.

SEC. 2. Section 7000 of said code is amended to read:

Mental hospitals

7000. There are established in the State the following state hospitals for the care and treatment of the mentally deficient:

1. Sonoma State Hospital, in Sonoma County.
2. Pacific State Hospital, in Los Angeles County.
3. Porterville State Hospital, in Tulare County.
4. Fairview State Hospital, in Orange County.

Definitions

Wherever in this code or in any provision of statute heretofore or hereafter enacted the term "home for the feeble-minded"

or "home for the mentally deficient" is used, it shall be construed to refer to and mean "state hospital for the mentally deficient."

SEC. 3. Section 7000.5 of said code is amended to read:

Porterville State Hospital

7000.5. The state institution, the site for which was provided for by an appropriation made by Chapter 28 of the Fifty-fifth (Fourth Extraordinary Session) Session of the Legislature, shall be known as Porterville State Hospital and shall be used for epileptics who are mentally deficient and for other mentally deficient patients.

SEC. 4. The chapter heading of Chapter 3 of Part 4 of Division 6 of said code is amended to read:

CHAPTER 3. STATE HOSPITALS FOR THE MENTALLY DEFICIENT

SEC. 5. Section 6556 of said code is amended to read:

Medical superintendent

6556. As often as a vacancy occurs in a hospital under the control of the Director of Mental Hygiene, he shall appoint, as provided in Section 157 of this code, a medical superintendent, who shall be a graduate of an incorporated medical college, and a well educated physician, of good moral character, who has had not less than three years' experience in the care and treatment of the mentally ill or of the mentally deficient.

The appointment of any person as medical superintendent shall not be effective for any purpose unless such person has passed, or shall pass, an examination touching his qualifications in all the different branches of medicine and surgery, and especially in diseases affecting the mind and nervous system.

SEC. 6. Section 6558 of said code is amended to read:

Appointments

6558. Subject to the approval of the Department of Mental Hygiene, the medical superintendent of each hospital shall appoint, in accordance with law, the following persons:

(a) Such employees as he deems necessary for the best interest of the hospital.

(b) Such assistant physicians and interns as the Department of Mental Hygiene determines Such assistant physicians and senior interns shall be persons of good moral character and graduates of incorporated medical colleges, well educated in their profession, who have received a certificate from the State Board of Medical Examiners. The assistant medical superintendent shall be a person who has had not less than two years' actual experience in the care and treatment of the mentally ill or the mentally deficient. Student interns shall be persons of good moral character who hold physician's and surgeon's certificate in California or who are eligible for examination for physician's and surgeon's certificate in California If additional assistant physicians are appointed, their appointments shall be so made that at least one physician in each hospital shall be a woman.

Examination

No appointment of any person as a physician shall be effective for any purpose unless such person shall pass or has passed an

examination touching his qualifications for such position in the different branches of medicine and surgery, and especially in the subject of diseases affecting the mind and nervous system. Passing an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital.

CHAPTER 662

An act relating to the granting of rights of way over state lands, and in connection therewith to add Sections 6503.2 to the Welfare and Institutions Code.

In effect September 9, 1953

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 6503.2 is added to the Welfare and Institutions Code, to read:

Grants to San Bernardino County for road purposes

6503.2. The Director of Finance shall grant to the County of San Bernardino under such terms, conditions, and restrictions as he deems to be for the best interests of the State, the necessary easements and rights of way for all purposes of a public road on the Patton State Hospital property. The right of way shall be across, along, and upon the following described property:

The east 40 feet of the east one-half of the northwest one-quarter of Section 32, Township 1 North, Range 3 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California.

SEC. 2. The Director of Finance shall grant to the County of San Bernardino under such terms, conditions, and restrictions, as he deems to be for the best interests of the State the necessary easements and rights of way for all purposes of a public road across, along, and upon the following described property:

Beginning at the southwest corner of Lot 8, Block 51 of Rancho San Bernardino as recorded in Map Book 7, page 2 of San Bernardino County Record of Maps and running thence 50 feet northerly along the west line of said Lot 8; thence easterly and parallel to the south line of Lots 8 and 9 of said Block 51 to the east line of Lot 9; thence 50 feet southerly along the east line of Lot 9 to the southeast corner of Lot 9; thence easterly along the north line of Lot 3 to the northeast corner of the west 10 acres of Lot 3; thence 50 feet southerly along the east line of the west 10 acres of Lot 3; thence westerly and parallel to the north line of Lots 3, 4, and 5 to the east line of a tract of land conveyed to Tom B. and Josephine F. Spears by deed recorded in Book 1674, page 339 of San Bernardino County Record of Deeds; thence 50 feet northerly to the north line of Lot 5 and the northeast corner of the tract of land, said point

being 1285.12 feet easterly from the northwest corner of Lot 6; thence westerly along the north line of Lot 5 to the point of beginning.

The herein described parcel of land contains 3.713 acres of land more or less subject to all reservations of record. A copy of each easement and right of way executed and delivered by the Director of Finance shall be delivered to the State Lands Commission.

CHAPTER 663

An act to amend Section 28142 of the Government Code, relating to the compensation of county officers.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28142 of the Government Code is amended to read:

28142. In a county of the forty-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.

El Dorado County Salaries

(a) The auditor, four thousand eight hundred dollars ($4,800) a year.

Auditor

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year. He shall not engage in private law practice during his term of office.

District attorney

(c) Each supervisor, three thousand dollars ($3,000) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of supervisors, and (2) for each mile actually and necessarily traveled when traveling, either within or without the county, by order of the board of supervisors on county business.

Supervisors

(d) Grand jurors and trial jurors in criminal cases in the superior court, for each day's attendance six dollars ($6), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

Jurors

CHAPTER 664

An act to add Section 262 to the Revenue and Taxation Code, relating to the church exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

In effect immediately

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

SECTION 1. Section 262 is added to the Revenue and Taxation Code, to read:

Cancellation, refund, of taxes, etc.

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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:

Some churches have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 665

An act to add Section 30.6 to the Agricultural Code, relating to the artificial insemination of animals.

In effect September 9, 1953

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 30.6 is added to the Agricultural Code, to read:

Investigation Artificial insemination of bovines

Report to Governor and Legislature

30.6. The department shall conduct a continuing investigation of the practice of artificial insemination of bovine animals in the State. The scope of such investigation shall be such as will, in the opinion of the department, disclose the need for statutory regulation of such practice. The director shall report the result of the investigation to the Governor and the Legislature at each regular session together with his recommendations as to any legislation on the subject which he deems necessary or desirable. The report shall include such matters as the director considers to be relevant and shall include an estimate of the extent of the practice of artificial insemination as compared to natural insemination of bovine animals in this State. The director may investigate the practice of artificial insemination upon other animals and report his findings and recommendations to the Governor and to the Legislature.

CHAPTER 666

An act to create a flood control district to be called Marin County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, harbors, public highways, life and property from damage or destruction from such waters and from tidal action; to prevent the waste of water or the diminution of the water supply in said district, and to remove and by-pass drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district; to define the powers of said district and its officers, including the power to engage in recreational activities incidental to and in connection with said purposes.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

In effect September 9, 1953

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

SECTION 1. This act shall be known and may be cited as the Marin County Flood Control and Water Conservation District Act.

Short title

SEC. 2. A flood control district is hereby created to be called the Marin County Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of Marin lying within the exterior boundaries of said county. As used in this act "district" means the Marin County Flood Control and Water Conservation District.

Marin County Flood Control and Water Conservation District

SEC. 3. The board of supervisors of the district created by this act, by resolution thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for specific benefit of such zones.

Establishment of zones

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be taken and had in the manner prescribed in Section 11 of this act; provided, that before acquiring authority to proceed with the establishment of any zone the exterior boundaries of which will include any land lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors shall first obtain the concurrence of such city to conduct such proceedings, such concurrence to be

evidenced by a resolution or ordinance adopted by a majority of the members of the city council of such city, or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in said zone voting at any regular or special election on said proposition; said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge.

Objects and purposes

SEC. 4. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes when economically practicable by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district, and to engage in recreation activities incidental to and in connection with said purposes.

District powers

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.

Acquisition, etc., of property

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

Water storage, etc

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or use-

ful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

Flood control, etc

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

Cooperation with federal and local agencies

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies or with the Government of the United States, or with any municipality, public district or other public or private corporation or with the County of Marin, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

Investigations, etc

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

Surveys, etc

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Marin County Flood Control and Water Conservation District; to acquire the right to

store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Marin County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

Bonds, etc

10. To incur indebtedness and to issue bonds in the manner herein provided.

Taxes, etc

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

Contracts, etc.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

Eminent domain, etc

13. To exercise the right of eminent domain, 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, reconstruction 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; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or public district. 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, or the waters thereof or therein unless compensation therefore be first provided in the manner prescribed by law.

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.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or public district to provide for a water supply for such city and county or public district, or as affecting the absolute control of any properties of such city and county or public district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in Marin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

Board of supervisors

SEC. 6. The Board of Supervisors of Marin County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Marin County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Marin County Flood Control and Water Conservation District.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, 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 of Marin.

Commission appointed

SEC. 6.1. The board shall appoint a commission consisting of 14 members, five of whom shall be freeholders of the unincorporated territory of the County of Marin, and the remainder of whom shall each be from a different municipality in the County of Marin to assist and advise said board in the institution of projects or works of improvement, and the board may by ordinance provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the advisory commission shall serve at the pleasure of the board.

SEC. 7. The district attorney, county surveyor, county road commissioner, county assessor, county tax collector, county clerk, county auditor, purchasing agent and county treasurer of the County of Marin, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Marin County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees, respectively, of said Marin 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 Marin County, in order to carry out the provisions of this act. Marin County officers Duties

All such officers, deputies, clerks and employees shall receive their actual necessary expenses in the performance of official duties under this act payable from the funds of the Marin County Flood Control and Water Conservation District.

SEC. 8. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and in addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation Such officers, agents and employees shall be appointed under and pursuant to any civil service rules and regulations of the County of Marin whether heretofore or hereafter adopted Board powers

Any civil service commission or similar board or officer of the County of Marin, and the civil service department of said county shall be ex officio the civil service commission and ex officio the civil service department of the Marin County Flood Control and Water Conservation District and said commission and the members of said department shall perform all of the duties herein prescribed without additional compensation except that the district shall pay for any necessary additional expenses incurred by reason of the performance of said additional duties for said district. Civil service

SEC. 9. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans to control the flood and storm waters of the district, and the zones thereof, and the flood and storm waters of streams that have their sources outside of said district but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without the district, or to save or conserve in any manner, any or all of such waters, and to protect the public highways, life and property within the district, and the watercourses, harbors, and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for Engineers

carrying out the purposes of this act; and such resolution may direct such engineer or engineers to make and file reports from time to time with the board, which shall show;

Reports

1. A general description of the work proposed to be done, together with general plans, profiles, cross sections, and general specifications relating thereto, on each project or work of improvement.

2. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

Estimate

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses incurred or likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing, and advertising, and stating the total amount of bonds, if any necessary to be issued to pay for the same.

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Determination of projects to be carried out

SEC. 10. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the district as a whole; or

2. For the benefit of two or more zones hereinafter referred to as participating zones; or

3. For the benefit of a single zone.

Authorized projects

SEC. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zones or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven

Resolution of intention

Notice of hearing

(7) days before said hearing, in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones Said notice must designate a public place in such zone or in each of said participating zones where a copy of copies of the map or maps of said joint project may be seen by any interested person. Said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

Protests:

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

Evidence of ownership

In all matters in this section referred to, the last equalized assessment roll of the County of Marin next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Protests by executors, administrators, etc

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Common, etc, ownership

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner.that deeds of real property are

required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Trustees

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

Public corporations, etc

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

Owner not of record

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Vendee

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

Exclusive procedure

SEC. 11.1. The provisions of Section 11 of this act shall be exclusive in determining the proper procedure for the institution of projects under this act, any other provision of law notwithstanding.

Levy of taxes or assessments

SEC. 12. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed one cent ($0.01) on each one hundred dollars ($100) of assessed valuation, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones; provided, that in no case shall the tax or assessment for the zone or participating zones exceed one dollar ($1) on each one hundred dollars ($100) of assessed valuation.

3. To levy taxes or assessments upon all property in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones; provided, that in no case shall the tax or assessment for the zone or participating zones exceed one dollar ($1) on each one hundred dollars ($100) of assessed valuation.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is to be performed by any governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 11 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

Bond issues Procedure

SEC. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Marin County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

Special election

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth (1/40) of the whole amount of the principal and interest of such indebtedness, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purpose of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate

a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Maps

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Publication

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two consecutive times in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Defect in proceedings

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (2/3) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any such participating zones shall be issued or sold unless two-thirds (2/3) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

Form of bonds

SEC. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid

Denomination, etc

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate

shall not be in excess of five percentum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Sale

SEC. 15. The board may issue and sell the bonds of any such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Marin to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone or zones voting said bonds; said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling for such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Marin.

Bonds as lien

SEC. 16. Any bonds issued under the provisions of this act shall be a lien upon all property of the zone of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all property within said zone and all property in said zone shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

Tax levy for interest

SEC. 17. The board shall levy a tax or assessment each year upon all property in the zone of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Marin County to the credit of the zone of issuance, 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 county treasurer of said Marin County in the

manner provided by law for the payment of principal and interest on bonds of said county.

Levying, etc., of taxes State law applicable

SEC. 18. The provisions of law of this State, prescribing the 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 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. All property exempt from taxation for county purposes under the provisions of the Revenue and Taxation Code of the State of California is exempt from taxation and assessment for the purposes of this act.

Zone creation Tax purposes

SEC. 19. Notwithstanding Title 5, Division 2, Part 1, Chapter 8 of the Government Code, the Marin County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the Marin County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1953-1954 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Title 5, Division 2, Part 1, Chapter 8 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 Marin County Flood Control and Water Conservation District.

For the Fiscal Year 1953-1954, but for no other fiscal year, notwithstanding Section 18 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments as liens

Assessments of the district for the Fiscal Year 1953-1954 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

Assessment standards

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 Year 1953-1954 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 1953, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1953-1954, 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.

Equalizing assessments

In equalizing the assessments made by the county assessor, the Board of Supervisors of Marin 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.

Assessment procedure

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 Year 1953-1954. Except as provided in this section, Section 18 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1953-1954

Bonds are legal investments

SEC. 20. The bonds of the district issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and 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 the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district 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 with the provisions hereof are hereby repealed.

Bonds tax exempt

SEC. 21. All bonds issued by said district 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 district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of this State.

Contracts Lowest bidder, etc

SEC. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed two thousand dollars ($2,000), shall be let to the

lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation, printed and published in said district inviting sealed proposals for the construction of performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders 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 their 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 the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Improvements in conformity with plan, etc

SEC. 23. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, subsequent to the date of filing the report, plans, specifications and map theretofore adopted, in which event the board of supervisors may order necessary changes made in

such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Additional bonds

SEC. 24. Whenever bonds have been authorized by any zone or participating zone of said district and said bonds have been issued as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of said zone or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above 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

Additional election

SEC. 25. Should a proposition for issuing bonds for any zone or participating zones 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 shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

Repeal or amendment of act

SEC. 26. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

Withdrawal from district

SEC. 26.1. Notwithstanding any provisions of this act to the contrary, the withdrawal of all the area lying within the exterior boundaries of any chartered or incorporated city from the district may be effected by the vote of a majority of the qualified electors of said city voting at any regular or special election on the proposition to withdraw the area lying within such city from the district. Said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge. The city council shall cause the results of the election to be certified to the board of supervisors of the district and if a majority of the votes cast on the proposition to withdraw such area from the district are in favor thereof, thereupon the area lying within the exterior boundaries of such city shall no longer be a part of the district; provided, however, that the withdrawal of the area lying within the exterior boundaries of such city from the district shall not release the area so withdrawn from debts and obligations for or upon which it was liable or chargeable at the time such withdrawal was made.

Right of way, etc., granted

SEC. 27. There is hereby granted to Marin County Flood Control and Water Conservation District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective 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 district the board 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 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 selection so made, it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

Relocation of streets, etc

SEC. 28. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use or benefit, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights of way for flood control purposes and not from funds appropriated for state highway purposes.

Disputes

(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.

Procedure

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the mode prescribed in Sections 1206 to 1217, inclusive, of the Public Utilities Code.

Claims for compensation

SEC. 29 Claims against the district whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by general law relating to the making and filing of claims against counties. Such claims may be amended within said six months to correct defects in form of statement of facts. No action against the district shall be commenced or maintained unless such claim relating thereto has been filed as hereinabove prescribed and action thereon commenced within one year after the cause of action arose.

Title to property acquired

SEC. 30. The legal title to all property acquired under the provisions of this act shall immediately and by operation of

law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties.

Action to determine legality of district

SEC. 31. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Marin, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

Employees bonded

SEC. 32. The board may require any officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the board. When deemed expedient by the board, a master bond may be used which shall provide coverage on more than one officer, employee or agent of the district who is required by the district to give bond. Such bond shall be in the form and for the term which is approved by the board. The premium for such bond shall be paid by the district.

Proceeds of bond sales

SEC. 33. Notwithstanding any provisions of this act to the contrary, in the event the proceeds from the sale of bonds of any zone are invested temporarily in United States bonds notes, or certificates of indebtedness, or in other legal investments, pending the expenditure of said funds for the purpose or purposes for which said indebtedness was incurred, any revenue or interest received or accruing therefrom may be used to pay the annual or semiannual installments of principal and/or interest on said bonds as same become due.

SEC. 34. This act, and every part thereof, shall be liberally construed to promote the object thereof, and to carry out its intents and purposes. Liberal construction

SEC. 35. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby. Severability clause

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CHAPTER 667

An act to add Section 1957 to the Government Code, relating to the liability of members of fire fighting units in arranging for medical aid to injured persons.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1957 is added to the Government Code, to read:

1957. Any member of an organized fire department, fire protection district, or other fire fighting unit of either the State or any political subdivision, or any employee of the Division of Forestry, may transport or arrange for the transportation of any person injured by a fire, or by an accident which occurs as a result of any fire fighting or fire protection operation, to a physician and surgeon or hospital, if the injured person does not object to such transportation. Transportation of injured persons for medical aid. Nonliability of members of fire fighting units

Any member of an organized fire department, fire protection district, or other fire fighting unit of either the State or any political subdivision, or any employee of the Division of Forestry shall not be liable for any damages or for any medical, ambulance, or hospital bills incurred in behalf of the injured party.

CHAPTER 668

An act to amend Sections 816, 818, 819, 820, and 821 of, and to repeal Section 817 of, the Fish and Game Code, relating to shellfish

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.] In effect September 9, 1953

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

SECTION 1. Section 816 of the Fish and Game Code is amended to read:

816. All natural oyster beds of native oysters (Ostrea lurida) on state tidelands, in all bays, lagoons and estuaries in the State of California together with such other areas of state tidelands Oyster reserves

as the department may set aside for the cultivation of oyster seed shall be declared oyster reserves and shall be, remain and continue the property of the State and shall be administered for the best interests of the State by the department. These reserved beds or lands shall not be allotted or leased to the exclusive use of any person, firm or corporation. Oysters, seed, and shell may be taken from such reserve beds only at the time specified and under the supervision of a duly authorized agent of the department, subject to the conditions hereinafter provided. The department shall have the authority to prohibit the planting of any type or species of oyster or oyster seed in any bay, lagoon or estuary, which it considers injurious to the development of the oyster industry in the State.

Repeal

SEC. 2. Section 817 of said code is repealed

SEC. 3. Section 818 of said code is amended to read:

Application to transplant oysters

818. Any person or persons desiring to take oysters or oyster seed, for the purpose of transplanting, from state beds shall file an application with the department to that effect Said application shall state where the oysters or oyster seed are to be taken up, the amount to be taken on a basis of sacks of two and one-half cubic feet each, and the place or places where it will be planted

SEC. 4. Section 819 of said code is amended to read:

Return of shell

819. The person or persons taking seed, oysters and shell from state beds shall be required, at the discretion of the department or its duly authorized agent, to return to the bed from which the oysters or oyster seed are taken, within a period of one year, not to exceed one-half sack of shell for every sack of oysters or oyster seed taken under the provisions of this act and the persons taking shall be advised at the time seed is taken of the amount of shell to be returned.

Removal charge

The department shall have the power to authorize the removal of oysters from the state reserves at any time and shall fix a charge each year which shall not exceed ten dollars ($10) per ton to be paid by the person taking the oysters and shell from reserves.

When the overcrowding of the oysters on the natural reefs may be relieved by the removal of the oysters and shells on the reserves otherwise improved, the department may authorize the removal of oysters and shells without charge.

SEC. 5. Section 820 of said code is amended to read:

Unallotted water bottoms Application to take up

820. Any citizen of California may take up unallotted state water bottoms for the purpose of growing shellfish by filing an application with the department, said application to be accompanied by a map of the area desired, showing sufficient adjacent geography for ready placement, and the acreage of the area. The department, after consulting its records of filings, shall, if the area requested be found unallotted, cause the said area to be allotted to the petitioner to be held by the petitioner until such time as it is abandoned. Upon being declared abandoned, claim shall be allotted to the first applicant applying, or by lot if several applications are received the same day, and all improve-

ments, betterments, buildings, and shellfish thereon shall be sold to the applicant at a price agreed upon between the applicant and the department. A claim shall be considered abandoned if not used for shellfish culture for a period of two years.

Public digging areas

Any areas of state land in any of the bays of the State on which clams are now growing and which are used by the public for digging clams shall not be allotted as shellfish claims and shall remain open to the public for the purpose of digging clams. The department shall designate such areas.

Claims Transfer

A claim may be transferred from one person or persons to another person or persons, eligible to file shellfish claims, after due notice of the transfer has been filed with the department.

Markings

All claims shall be plainly marked by a stake at each corner, if rectangular; or, if irregular in shape, at the intersection of two lines of different directions. The tops of the stakes shall be painted white and shall show at least four feet above high water. In some conspicuous place on a shellfish claim a sign shall be displayed which shall be above high water and shall be not less than six feet in length and one foot in width, on which shall be painted in black letters upon a white ground the words "oyster beds" or "mussel beds" or such words as apply, under which shall appear the name of the person or persons holding the area; provided, that nothing herein contained shall be deemed to authorize any impediment or obstruction to the navigation of any channels. The commission may make such rules and regulations as it deems necessary to enforce the provisions of Sections 815 to 822 inclusive.

SEC. 6. Section 821 of said code is amended to read:

Penalty

821. Any person or persons who shall enter upon any lot of land in which there shall be shellfish laid down and planted and which, at the time of such entry, shall be staked off pursuant to the provisions of this act, and who shall take up and carry off therefrom such shellfish, without the consent or permission of the occupants and owners thereof, or who shall wilfully destroy any cultured shellfish or any stakes or marks intended to designate the boundaries and limits of any land claimed and staked pursuant to the provisions of this act, shall be guilty of a misdemeanor.

CHAPTER 669

An act to amend Section 88 of the Fish and Game Code, relating to Fish and Game District 19A.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 88 of the Fish and Game Code is amended to read:

Fish and Game District 19A

88. District 19A. The following shall constitute Fish and Game District 19A: the ocean waters and tidelands to high-water mark lying between the southerly extremity of Malibu Point and the westerly extremity of Rocky Point (Palos Verdes Point), excluding all rivers, streams and lagoons.

CHAPTER 670

An act to amend Sections 53633, 53641, 53642, 53649, 53650, 53662, 53669, and 53679 of the Government Code, relating to deposit of public funds in banks.

In effect September 9, 1953

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 53633 of the Government Code is amended to read:

Amounts of inactive and active deposits

53633. The treasurer shall determine the amounts of money to be deposited as inactive and active deposits, except as otherwise provided in Section 53679.

SEC. 2. Section 53641 of the Government Code is amended to read:

Receipt by depositary

53641. When money is deposited in a depositary, the treasurer or other authorized official shall take and preserve a receipt, certificate of deposit, or other evidence of the deposit as he requires.

SEC. 3. Section 53642 of the Government Code is amended to read:

Withdrawal

53642. The money deposited may be drawn out by check or order of the treasurer or other official authorized to make such deposit.

SEC. 4. Section 53649 of the Government Code is amended to read:

Conflicts of law

53649. During the existence of a conflict between a federal law or rule and this article, the treasurer may determine the amount of money to be deposited as inactive deposits and the interest rate thereon and the amount to be deposited as active deposits except as otherwise provided in Section 53679. He shall enter into any contract with a depositary which in his judgment is to the public advantage. The contract shall:

(a) Fix the duration of deposits.

(b) Fix the interest rate, if any.

(c) Provide conditions for withdrawal and repayment.

(d) Prescribe the security for the deposits pursuant to this article.

SEC. 5. Section 53650 of the Government Code is amended to read:

Removal of conflict

53650. Upon the removal by federal law of the conflicting federal law or rule the agreement between the treasurer or

other authorized official and a depositary may be terminated by either party.

SEC. 6. Section 53662 of the Government Code is amended to read:

53662. If a depositary fails to pay all or part of the deposits on the demand of the treasurer or other authorized official, the treasurer shall immediately recover upon or convert the securities into money and disburse it according to law.

Failure to pay Conversion of security

SEC. 7. Section 53669 of the Government Code is amended to read:

53669. The treasurer or other authorized official is not responsible for money while it is deposited pursuant to this article.

Treasurer not responsible

SEC. 8. Section 53679 of the Government Code is amended to read:

53679. So far as possible all money belonging to a local agency under the control of any of its officers or employees other than the treasurer or a judge or officer of a justice or municipal court shall, and all money coming into the possession of a judge or officer of a justice or municipal court may, be deposited as active deposits in the state or national bank in this State selected by the officer, employee, or judge of the court. Such money is subject to this article except:

Deposit of funds of local agencies

(a) Security is not required for deposits pursuant to this section which are insured under any federal law, nor is a written contract in accordance with Section 53665 required.

For deposits in excess of the amount insured under any federal law a contract in accordance with Section 53665 is required and securities must be pledged with the treasurer. The treasurer must be notified in writing by the depositor when the total deposits have been withdrawn and the account closed.

(b) Interest is not required on money deposited by a judge or officer of a justice or municipal court.

(c) Interest is not required on money deposited by an officer having control of a revolving fund created pursuant to Chapter 2, Division 3, Title 3.

(d) Interest is not required on money deposited by an officer having control of a special fund established pursuant to Articles 5 or 6, Chapter 2, Division 3, Title 3.

CHAPTER 671

An act to amend Sections 563 and 564 of the Fish and Game Code, relating to the importation and inspection of fish, aquatic plants, mollusks and crustaceans.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 563 of the Fish and Game Code is amended to read:

Importation, etc., of fish, aquatic plants

563. Every person who receives, brings, or causes to be brought into this State any live fish or aquatic plant, must give written notice 10 days in advance to the department's Sacramento office showing the probable date and place of arrival of such fish or aquatic plant. This notice is not required in the case of mollusks or crustaceans brought into the State unless such mollusks or crustaceans are or may be placed in the waters of this State.

SEC. 2. Section 564 of said code is amended to read:

Inspections

564. The department is authorized to enter at any time any car, warehouse, depot, ship or growing area where any fish or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether such fish or aquatic plants are infected, diseased or parasitized.

CHAPTER 672

An act to amend Section 1065 of the Fish and Game Code, relating to sardines, declaring the urgency of this act, to take effect immediately.

In effect immediately

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 1065 of the Fish and Game Code is amended to read:

Taking sardines. Time and place

1065. Sardines may be taken for use in a reduction plant, or by a packer, only in accordance with the provisions of this article, as follows: in Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between October 1st and February 1st, inclusive; elsewhere in the State, except in Districts 19A and 20, between August 1st and January 15th. Sardines may be taken at any time on or after but not prior to June 1, 1955, for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight; provided, that in a 10-ounce can, fish of a size not less than eight fish to the can may be used. Sardines may be packed in their own natural oil.

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:

One of the most important sources of our food supply is the fishing industry. Canned sardines for many years have been among, if not the largest contributors of this source. Recently

there has been a serious shortage in the sardines available, the exact cause of which has not been determined. However, immediate further restrictions on the taking of sardines as provided in this act are necessary and delay therein will increase the existing shortage and further diminish a valuable food supply of the people of this State.

CHAPTER 673

An act to amend Sections 440, 441 and 442 of, to amend and renumber Section 443 of, and to add Sections 444, 444.1, and 444.2 to, the Fish and Game Code, relating to fishing.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 440 of the Fish and Game Code is amended to read:

Special hunting licenses

440. The commission may issue special hunting licenses in accordance with this article. Special hunting licenses may be issued to any person holding a hunting license issued by the State of Arizona. Such special hunting license shall entitle the holder thereof to take only migratory waterfowl and only in, on, or along the Colorado River in accordance with the applicable state and federal laws and regulations or orders made pursuant thereto. The fee for such license shall be two dollars ($2) and each such license shall be valid until the end of the calendar year in which issued.

SEC. 2. Section 441 of said code is amended to read:

Boat, etc., fishing on Colorado River:

441. Any person taking fish for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters where said river forms a mutual boundary between the States of Arizona and California, must have in possession a valid angling license issued by either the State of Arizona or the State of California.

Special use permit

In addition to one of the above described licenses a person must have in possession a Colorado River special use permit. A person having in possession a valid California angling license must have an Arizona special use permit to legally fish the waters described above. A person having in possession a valid Arizona angling license must have a California special use permit to legally fish the waters described above.

Such special use permits when accompanied by the proper license will allow fishing in any portion of said waters and permit fishermen to enter the described waters from any point.

Fee

The fee for such Colorado River special use permits shall be two dollars ($2).

SEC. 3. Section 442 of said code is amended to read:

Shore line fishing Colorado River

442. All persons fishing from the shores of the Colorado River located in Arizona or California must have in possession

a valid angling license from the state which has jurisdiction over said shore line. Such shore line fishing does not require a Colorado River special use permit as long as said fishermen remain on the shore and do not embark on the water.

SEC. 4. Section 443 of said code is amended and renumbered to read:

When operative

444.3. The provisions of this article shall become operative when the commission finds and determines that under the laws of the State of Arizona substantially similar licenses are authorized to be issued to licensees of the State of California upon substantially the same terms and conditions as are provided for in this article as to the issuance of licenses to licensees of the State of Arizona.

SEC. 5. Section 444 is added to said code, to read:

Licenses and permits Where sold

444 California angling licenses will be sold only within California, and Arizona licenses within Arizona, with the Arizona Colorado River special use permits being sold by California license dealers under the supervision of the California Department of Fish and Game, and the California Colorado River special use permits being sold by Arizona license dealers under the supervision of the Arizona Game and Fish Commission

SEC. 6. Section 444 1 is added to said code, to read:

Special use stamps

444.1. The Arizona Game and Fish Commission will handle California special use stamps and issue same to Arizona license dealers, and prior to February 28th of each year will make an audit report, together with remittance for permit sales to the California Department of Fish and Game.

The California Department of Fish and Game will handle the Arizona special use stamps and issue the same to the California license dealers and prior to August 31st of each year will make an audit report and remittance for permit sales to the Arizona Game and Fish Commission.

SEC. 7. Section 444.2 is added to said code, to read:

Validity of special use permits

444.2. Arizona special use permits will be valid from January 1st to December 31st, inclusive, of each year, to coincide with California angling licenses. California special use permits will be valid from July 1st to June 30th, inclusive, of each year to coincide with Arizona fishing licenses.

CHAPTER 674

An act to amend Section 160.1 of the Agricultural Code, relating to agricultural pest control operators.

In effect September 9, 1953

[Approved by Governor May 13, 1953 Filed with Secretary of State May 13, 1953]

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

SECTION 1. Section 160.1 of the Agricultural Code is amended to read:

160.1. As used in this chapter: Definitions

(a) "Pest control" means the use or application of any pesticide. It also means the use of any substance, method or device:

(1) To control pests;

(2) To prevent, destroy, repel, mitigate or correct any pest infestation or disorder of plants;

(3) To inhibit, regulate, stimulate or otherwise alter plant growth by direct application to plants.

(b) "Pesticide" means any economic poison, as defined in Section 1061 of this code.

(c) "License" means agricultural pest control license.

CHAPTER 675

An act to amend Sections 553.3 and 1483.1 of the Probate Code, relating to the reduction of bonds.

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.] In effect September 9, 1953

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

SECTION 1. Section 553.3 of the Probate Code is amended to read:

553.3. If an administrator or executor desires to have the amount of his bond reduced, he may apply to the court for such relief by filing a verified petition setting forth the condition of the estate. The petition shall be set for hearing by the clerk and notice given in the manner required by Section 1200 of this code. Upon the hearing of said petition, the court may reduce the amount of the bond to any amount or sum which in the discretion of the court may seem proper under the circumstances, subject, however, to the limitations of Section 541 of this code, and said executor or administrator may furnish new sureties who shall qualify for such reduced amount. Petition to reduce bond Administrator, etc

SEC. 2. Section 1483.1 of the Probate Code is amended to read:

1483.1. If a guardian desires to have the amount of his bond reduced, he may apply to the court for such relief by filing a verified petition setting forth the condition of the estate. The petition shall be set for hearing by the clerk and notice given in the manner required by Section 1200 of this code. Upon the hearing of said petition, the court may reduce the amount of the bond to any amount or sum which in the discretion of the court may seem proper under the circumstances, subject, however, to the limitations of Section 1480 of this code, and said guardian may furnish new sureties who shall qualify for such reduced amount. Guardian

CHAPTER 676

An act to amend Section 10270 of the Insurance Code and Section 16424 of the Education Code, relating to disability insurance.

In effect September 9, 1953

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 10270 of the Insurance Code is amended to read:

Exemptions Workmen's compensation insurance, etc.

10270. This chapter shall not affect workmen's compensation insurance nor any policy of liability insurance with or without supplementary expense coverage therein, nor shall it apply:

(a) To a blanket policy issued to a volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) To a blanket policy issued to a college, school, or other institution of learning or to the head or principal thereof agreeing to indemnify for loss of tuition by reason of disability of students enrolled therein.

(c) To a blanket policy issued to a school district or to the governing board of any school district or districts or to a private or parochial school or to the governing board or person in charge of the operations of any private or parochial school providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils or those thereof who comprise any athletic team while they are in or on buildings or premises of the school or district during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or while being transported by the school or district or districts to and from school or other place of instruction or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places.

(d) To a blanket policy issued to the proprietor or sponsor of an organized camping institution providing benefits to campers or persons responsible for their support for hospital, medical, surgical or nursing expenses resulting from accident to such campers or arising out of sickness first manifesting itself while they are in or on buildings or premises of the camp institution or being transported between their home and the camp institution or while at any other place as an incident to camp-sponsored activities and while being transported to, from and between such places

(e) To a policy issued on application of an employer, a majority of the employees in this State of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding

the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Article 10 of the California Unemployment Insurance Act and the authorized regulations of the California Employment Stabilization Commission.

(f) To any policy or contract of reinsurance.

"Blanket policy"

A "blanket policy" is any disability policy sold to any of the entities described in subdivisions (a), (b), (c) or (d) of this section and providing coverage for all persons within categories defined in the policy and precluding any requirement for individual enrollment or individual undertaking to pay all or part of the premium as a condition precedent to coverage; provided, that nothing in this section shall be so construed as to prohibit the cost of the insurance coverage being borne by the individuals insured or by their parents or guardians; and provided further, that coverage shall not be provided to any person who files with the entity to whom the blanket policy is to be issued for delivery to the insurer a written statement requesting that he not be covered. In the case of a minor, such statement may be filed by his parent or guardian. If the number of persons filing such statements exceeds ten percent (10%) of the number of persons within categories defined as covered under the policy, it shall not be put into effect, and if in effect shall not be renewed.

Approval of policies

No policies described in subdivisions (a), (b), (c) and (d) hereof shall be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (e) hereof shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

Section 10130 does not apply to policies described in subdivision (e) hereof.

SEC. 2. Section 16424 of the Education Code is amended to read:

Pupil's medical and hospital service insurance

16424. The governing board of any school district which does not employ at least five physicians as full time supervisors

of health, or the equivalent thereof, may provide medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through accident or liability insurance, for injuries to pupils of the district arising out of accidents occurring while in or on buildings and other premises of the district during the time such pupils are required to be therein or thereon by reason of their attendance upon a regular day school of such district or while being transported by the district to and from such school or other place of instruction, or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places. No pupil shall be compelled to accept such service without his consent, or if a minor without the consent of his parent or guardian.

Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

CHAPTER 677

An act to amend Section 7550 of, and to add Article 5.5, comprising Sections 7555 to 7555.8, inclusive, to Chapter 11 of Division 3 of, the Business and Professions Code, relating to private investigators and adjusters.

In effect September 9, 1953

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 7550 of the Business and Professions Code is amended to read:

Conduct of proceedings

7550. Except as otherwise required to comply with the provisions of Article 5.5 of this chapter, the proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 2. Article 5.5 is added to Chapter 11 of Division 3 of said code, to read:

Article 5.5. Nonresidents

"Chief"

7555. As used in this article, "chief" means the Chief of the Division of Administrative Procedure.

Acceptance of rights constitutes appointment for service of process

7555.1. The acceptance by a nonresident licensee of any of the rights and privileges conferred upon him by this chapter, as evidenced by his performance within this State, either personally or through an employee, of any act for which a license is required by this chapter, is equivalent to the appointment by such licensee of the chief as his true and lawful attorney upon whom may be served all lawful process in any disciplinary proceeding conducted against him under this chapter.

7555.2. The acceptance of such rights and privileges as evidenced by such act shall signify the agreement of the licensee that any such process which is served against him in the manner provided in this article shall be of the same legal force and validity as if served upon him personally in this State.

Manner of service

7555.3. Service shall be made by leaving a copy of the accusation, together with a notice of defense and statement to respondent as described in Section 11505 of the Government Code, with a fee of two dollars ($2) for each licensee to be served, in the hands of the chief or in his office in Sacramento. Such service shall be sufficient service on the licensee subject to compliance with Section 7555.4 of this code.

Notice of service

7555.4. A notice of such service and a copy of the accusation, together with the notice of defense and statement to respondent, shall forthwith be sent by registered mail by the chief to the licensee at his last known address as furnished by the director. Personal service of such notice, copy of the accusation, notice of defense, and statement to respondent upon the licensee wherever found outside this State shall be the equivalent of such mailing.

Proof of service

7555.5. Proof of compliance with Section 7555.4 of this code shall be made in the event of service by mail by affidavit of the chief or his authorized employee showing such service by mailing, together with the return receipt of the United States post office bearing the signature of the licensee or his agent. Such affidavit and receipt shall be appended to the original accusation on file with the director. In the event of personal service outside this State such compliance may be proved by the return of any duly constituted public officer qualified to serve process in civil actions in the state or jurisdiction where the licensee is found, showing such service to have been made. Such return shall be appended to the original accusation on file with the director.

Postponements, continuances, etc

7555 6. The director, or if the proceeding is heard before a hearing officer of the Division of Administrative Procedure, such hearing officer, may order such postponements or continuances and grant such extensions of time as may be necessary to afford the licensee reasonable opportunity to defend the proceeding. In no event shall the licensee have less than 30 days after the date of service of the accusation in which to file a notice of defense, nor shall the notice of hearing provided for in Section 11509 of the Government Code or the notice and copy of affidavit referred to in Section 11514 of said code be mailed or delivered less than 20 days prior to the date of hearing, and the time for making a request to cross-examine under said Section 11514 shall not be less than 15 days

Service recorded

7555.7. The chief shall keep a record of all process served upon him pursuant to this article, which record shall show the day and hour of service.

"Nonresident"

7555.8. As used in this article "nonresident" means a person who is not a resident of this State at the time of the performance of the act referred to in Section 7555.1 of this code.

CHAPTER 678

An act to amend Section 4044 of the Business and Professions Code, relating to drugs salable by grocers, dealers and vendors generally.

In effect September 9, 1953

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 4044 of the Business and Professions Code is amended to read:

Exemptions

4044. Nothing in this chapter shall apply to or interfere with the sale at wholesale or retail by grocers, dealers, persons who are not registered pharmacists, and other vendors generally without restriction of the following articles, whether or not they are otherwise exempted from the provisions of this chapter by Section 4032 or otherwise referred to therein: vitamin or mineral products or combinations thereof, dietary foods or food supplements, foods or other nutrients for dietary uses, when any of such articles are sold to supplement or fortify the ordinary or usual diet of man or other animal or poultry and are labeled accordingly and when such articles meet the requirements of the Federal Food, Drug and Cosmetic Act and the food laws of the State of California; Glauber salt, petroleum jelly, turpentine, cod-liver oil, milk of magnesia, condition powders, cream of tartar, carbonate of soda, bay rum, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, witch hazel, sheep dip, borax, sulfur, aspirin tablets, gauze bandage, mineral oil, sterile cotton, medicated adhesive and corn plasters, peroxide of hydrogen, 10 volume, bluestone, copperas, flaxseed, insect powder, flypaper, unmedicated corn plasters, unmedicated adhesive plasters, and poultry vermifuge.

CHAPTER 679

An act to amend Section 736 of the Fish and Game Code, relating to fish.

In effect September 9, 1953

[Approved by Governor May 13, 1953. Filed with Secretary of State May 13, 1953.]

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

SECTION 1. Section 736 of the Fish and Game Code is amended to read:

Sale of tuna. Minimum weights

736. No yellowfin tuna or bluefin tuna weighing less than seven and one-half pounds may be sold. On and after December 31, 1955, no yellowfin tuna or bluefin tuna weighing more than 150 pounds may be sold.

CHAPTER 680

An act to amend Section 8253 of the Education Code, relating to instruction in the public schools.

[Approved by Governor May 13, 1953 Filed with Secretary of State May 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8253 of the Education Code is amended to read:

8253. Instruction shall be given in all grades of school and in all classes during the entire school course, in manners and morals. Instruction upon the nature of alcohol and narcotics and their effects upon the human system as determined by science shall be included in the curriculum of all elementary and secondary schools. The governing board of the district shall adopt regulations specifying the grade or grades and the course or courses in which such instruction with respect to alcohol and narcotics shall be included.

Effects of alcohol, etc. Instruction on

CHAPTER 681

An act to amend Section 784.2 of, and to add Section 787.3 to, the Agricultural Code, relating to fruit, nut, and vegetable standards.

[Approved by Governor May 13, 1953 Filed with Secretary of State May 13, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 784.2 of the Agricultural Code is amended to read:

784.2. It is unlawful to mislabel any fruit, nut, or vegetable, or place or have any false or misleading statement or designation of quality, grade, trade-mark or trade name, on any wrapper or container, or on the label or lining of any container of any fresh or dried fruit, nut, or vegetable, or on any placard used in connection with or having reference to any fresh or dried fruit, nut or vegetable or container, bulk lot, bulk load, load, arrangement, or display of fresh or dried fruits, nuts, or vegetables.

Mislabeling fruit, etc.

Nothing in this section shall be construed to require the obliteration (1) of old markings or labels on used containers which are not closed where such markings or labels are clearly inapplicable to the contents, or (2) of old markings or labels on unlidded containers in which the product is not "packed," unless there is deception as to contents, quality, or area of production.

Obliteration of old markings not required

SEC. 2. Section 787.3 is added to the Agricultural Code, to read:

787.3. Notwithstanding the provisions of this chapter, no markings are required nor are old markings required to be obliterated on containers of fruits, nuts, and vegetables which are not closed and which contain subcontainers bearing all of the markings required by this chapter to be placed on containers.

CHAPTER 682

An act to amend Section 4 of Chapter 7 of the Statutes of 1951, relating to revenues of tide and submerged lands, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 4 of Chapter 7 of the Statutes of 1951 is amended to read:

Transfer of money from Special Deposit Fund to State Lands Act Fund

Sec. 4. Anything to the contrary notwithstanding, upon order of the State Controller there shall be transferred from the money held in the Special Deposit Fund under Section 2 of this act, to the State Lands Act Fund, amounts not to exceed those set forth in paragraph 4 of that certain stipulation entered into between the Attorney General of California and the Attorney General of the United States dated August 21, 1950, or such amount as may be set forth in any extensions or modifications of said stipulation commencing with the month of October, 1950, and continuing thereafter so long as said stipulation or any extension or modification thereof, so providing, may be in effect, to defray the expenses of the State Lands Commission in administering its duties respecting operations under said leases. On or after the effective date of this amendment upon order of the State Controller there shall also be transferred from such Special Deposit Fund to the State Lands Act Fund an amount equal to the total costs authorized in such stipulation or extensions or modifications thereof less the amounts thereof heretofore transferred pursuant to this section.

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

The Federal Government has authorized the transfer, from money held in the Special Deposit Fund to reimburse the State for expenses for administering state lands leases, a sum greater than twelve thousand dollars ($12,000) which is the maximum amount now permitted to be transferred under the provisions of Chapter 7, Statutes of 1951.

In order that the State may receive the benefit of this greater amount of reimbursement, it is necessary that this act take effect immediately.

CHAPTER 683

An act to repeal Sections 13163, 13165, 13166, and 13167 of, and to amend Section 13164 of, the Government Code, relating to the Service Revolving Fund, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.] In effect immediately

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

SECTION 1. Sections 13163, 13165, 13166 and 13167 of the Government Code are hereby repealed. Repeals

SEC. 2. Section 13164 of said code is amended to read:

13164. The cost of rendering services to state agencies supported by funds other than the General Fund, and the cost of rendering services to any state agency at its request, shall be determined monthly and charged to the state agencies by the department. Any money received from such charges shall be deposited in the State Treasury and credited to the appropriation from which the expenditure incurred in rendering the service was paid. Costs of services

SEC. 3. The provisions of this act shall become operative on July 1, 1953.

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: Urgency

This act provides for changing the method of handling certain state money. In order to avoid confusion and uncertainty and to permit the orderly handling of state money, the act should become operative at the beginning of a fiscal year. In order that the act may become operative on July 1, 1953, so that the people may not be deprived of the benefits under the act, it is necessary that it take immediate effect.

CHAPTER 684

An act to add Article 4 to Chapter 7 of Division 9 of the Elections Code, relating to the recount of ballots for congressional and state legislative offices.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.] In effect September 4, 1953

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

SECTION 1. Article 4 is added to Chapter 7 of Division 9 of the Elections Code, to read:

Article 4. Recount of Ballots During Elections Involving Congressional and State Legislative Offices

Application of article

8025. This article applies only to direct primary elections at which candidates are to be nominated for, and to general elections at which candidates are to be elected to, one or more of the following offices: Member of Assembly, State Senator, Representative in Congress, and United States Senator. As used in this article "office" means one of the offices enumerated in this section, and "election board" includes a registrar of voters or county clerk authorized to canvass the returns of the election.

Declaration of error etc

8026. At or at any time prior to the commencement of the canvass any candidate for an office may file with the election board a declaration alleging that because of mistake, error or misconduct the votes in one or more precincts specified in the declaration were so incorrectly counted that the returns do not correctly show which candidate received the plurality of the votes cast for the office in the precinct. A copy of the declaration may be personally served upon each other candidate for nomination for the same office prior to the filing of the declaration and shall be so served before the recount provided for in this article is commenced.

Recount Costs, etc

8027. Except as to the precincts specified in the declaration the canvass shall be conducted in accordance with the other applicable provisions of this chapter. As to the canvass of the precincts so specified the election board shall publicly recount the ballots of each precinct or cause such recount to be made by a special recounting board consisting of not less than four voters of the county appointed by the election board. If a special recounting board is appointed each member thereof shall receive for his services the same compensation per day as is paid in the county to members of precinct boards, other than inspectors, to be paid out of the county treasury. In case a special recounting board is appointed, the candidate filing the declaration shall before the commencement of the recount and at the beginning of each day following during the period of the recount deposit with the election board a sum equal to one day's compensation for the members of the special recounting board. In case a special recounting board is not appointed, the candidate shall before the recount is commenced and at the beginning of each day following during the period of the recount deposit such sums as the election board requires to cover the expense of the recount which sum shall not exceed the sum which would have been required to be deposited if a special recounting board had been appointed In either case all money so deposited shall be returned to the depositor if upon the recount the candidate filing the declaration is found to have received the plurality of the votes cast for the office in the precinct, and otherwise said money shall be deposited in the county treasury.

8028. The ballots shall be recounted as nearly as practicable in the manner prescribed for the canvass at precincts. The recount shall be continued daily, Sundays and holidays ex-

cepted, for not less than six hours each day until completed. Any candidate for the office involved shall be entitled to be present in person or by representative at all stages of the recount provided for in this article. If the recount requires such length of time that the canvass cannot be completed within the time prescribed by Section 7964 the time so prescribed shall be extended until after the recount is completed.

Result final

8029. In lieu of the returns of the precinct board, upon the completion of the recount there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of that precinct for the office involved in the recount to the same effect as if the result as shown by the recount had been shown in the returns of the precinct board.

Application of chapter

8030. Except as provided in this article all of the provisions of this chapter apply to the canvass of the votes for offices to which this article is applicable.

CHAPTER 685

An act to amend Section 1527 of the Welfare and Institutions Code, relating to hospital and medical care for needy children.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1527 of the Welfare and Institutions Code is amended to read:

Removal to another county Eligibility for aid

1527. Any child qualifying for and receiving aid from any county, who removes to another county of the State, shall be entitled to aid, upon the first day of the first month beginning after the date upon which he attained one year's residence in the county to which he has removed, unless the day upon which he attains one year of residence is the first day of the month, in which event the transfer of costs shall take place upon this day.

Presumptions

For the purposes of this section, it is presumed that the period of time for the acquisition of one year's residence in the county to which the child has removed shall start to run upon the date of removal from the county in which he has previously acquired a residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the person through whom the residence of the child is determined.

Residence not lost

The removal from one county to another county in this State of any child receiving aid shall not work a forfeiture during such one-year period of the aid previously awarded. If a child returns to a county granting him aid after an absence of less than one year, he shall not be deemed to have lost his residence therein.

Medical or hospital care

The county to which such child has removed shall provide necessary medical or hospital care, or both, during the one-year period of establishment of residence under this section.

CHAPTER 686

An act to add Section 58861 to the Government Code, relating to county boundary commissions.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 58861 is added to the Government Code, to read:

Procuring maps

58861. The county boundary commission may procure, at county expense, necessary maps of properties to assist in the consideration of the proposal by the commission and the board of supervisors.

CHAPTER 687

An act to amend Sections 27061 and 27062 of the Government Code, and to add Section 27012 thereto, relating to county treasurers.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 27061 of the Government Code is amended to read:

Settling accounts Time for

27061. Not later than the tenth of each month the treasurer shall settle his accounts relating to the collection, care, and disbursement of public revenue of whatsoever nature and kind with the auditor.

SEC. 2. Section 27062 of the Government Code is amended to read:

Statement under oath

27062. For the purpose of making his settlement, the treasurer shall make a statement under oath of the amount of money or other property received prior to the period of the settlement, the amount of payments or disbursements, and the amount remaining on hand In the settlements he shall deposit and take the auditor's receipt for all warrants redeemed by him.

SEC. 3. Section 27012 is added to the Government Code, to read:

Meeting with Controller

27012. The Controller may summon county treasurers or the authorized representative of any county treasurer to meet with the Controller or his duly authorized representatives, in such groups and at such place or places within the State as may be

designated by the Controller for the purpose of discussion of interpretation, procedure, uniformity of operation and promoting efficient administration of the inheritance tax provisions of the Revenue and Taxation Code, handling property of absent heirs and claimants, periodic settlement with the State, and related problems. The actual and necessary expenses of any such county officer or his authorized representative incurred while traveling to and from and while attending such meeting, shall be a charge against the county, to be paid in the same manner as other county charges are paid; provided, that prior approval of the board of supervisors has been obtained.

Expenses

CHAPTER 688

An act to amend Section 2224 of the Welfare and Institutions Code, relating to liability of relatives of recipients for aid to aged.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2224 of the Welfare and Institutions Code is amended to read:

2224. The board of supervisors or an agent designated by the board shall determine if the applicant or recipient of aid has within this State a spouse or adult child responsible to contribute to the support of the applicant or recipient of aid pursuant to the Relatives' Contribution Scale of Section 2181. A form shall be sent to the relative requiring the information essential to the determination of the relative's liability to support under said scale.

Responsible relatives Statement

Upon request the relative shall file such statement within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such statement by such spouse or adult child.

If the person receiving aid has within the State a spouse or adult child found by the board of supervisors or its authorized representative pecuniarily able to support said person, the board of supervisors shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsiblity to support. Upon such demand, the district attorney or other civil legal officer of the county granting such aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. If the district attorney or other civil legal

Action to recover aid granted

officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall be made to the board of supervisors of the county. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare.

Aid not contingent upon recovery

The granting of or continued receipt of aid shall not be contingent upon such recovery.

CHAPTER 689

An act to amend Section 4121 of the Health and Safety Code, relating to garbage disposal districts.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 4121 of the Health and Safety Code is amended to read:

Garbage disposal contracts: Bids

4121. The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published for at least 10 consecutive times in a daily newspaper or for at least two consecutive times in a weekly newspaper. If there is no newspaper of general circulation published in the county, then the notice shall be given by posting in three public places for at least two weeks.

All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible bidder. If no satisfactory bid is obtained the board may reject all bids. If all bids are rejected the board of supervisors may readvertise for bids or, without the necessity of readvertising, may enter into contracts for the disposal of garbage and other refuse for a term not to exceeed six months on such terms as are necessary or proper in the exercise of the district's powers.

CHAPTER 690

An act to amend Section 5024 of the Streets and Highways Code, relating to incidental expenses in improvement proceedings.

In effect September 9, 1953

[Approved by Governor May 14, 1953 Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 5024 of the Streets and Highways Code is amended to read:

5024. "Incidental expenses" includes: "Incidental expenses"

(a) The compensation of the engineer for work done by him;

(b) The cost of printing and advertising provided for in this division, including the treasurer's estimated cost of printing, servicing and collecting any bonds to be issued to represent or be secured by unpaid assessments;

(c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;

(d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396 of this division, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;

(e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

(f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";

(g) The cost of title searching, description writing, salaries of right of way agent, appraisal fees, partial reconveyance fees, surveys and sketches incident to securing rights of way for any work authorized by this division; and

(h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

CHAPTER 691

An act to amend Section 6011 and 6012 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.] In effect September 9, 1953

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

SECTION 1. Section 6011 of the Revenue and Taxation Code is amended to read:

6011. "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following: "Sales price"

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

The total amount for which the property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

"Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when that entire amount is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to retail sales of tangible personal property, measured by a stated percentage of sales price or gross receipts, whether imposed upon the retailer or the consumer.

(f) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Transportation charges separately stated, if the transportation occurs after the purchase of the property is made.

SEC. 2. Section 6012 of the Revenue and Taxation Code is amended to read:

"Gross receipts"

6012. "Gross receipts" mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the board may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for sale

in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses, or any other expense.

(c) The cost of transportation of the property prior to its sale to the purchaser.

The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits, and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

"Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to retail sales of tangible personal property measured by a stated percentage of sales price or gross receipts whether imposed upon the retailer or the consumer.

(f) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Transportation charges separately stated, if the transportation occurs after the sale of the property is made to the purchaser.

For purposes of the sales tax, if the retailers establish to the satisfaction of the board that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

CHAPTER 692

An act to amend Sections 12051, 12052, 12053, and 12054 of the Penal Code and to amend Section 8 of an act entitled, "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to the regulation of the possession, sale, use, and identification of pistols, revolvers and other firearms capable of being concealed upon the person.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 12051 of the Penal Code is amended to read:

Application and licenses: Contents

12051. Applications for licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number and the caliber.

Applications and licenses shall be uniform throughout the State, upon forms to be prescribed by the Attorney General.

SEC. 2. Section 12052 of said code is amended to read:

Fingerprinting

12052. The fingerprints of each applicant shall be taken and two copies on forms prescribed by the State Bureau of Criminal Identification and Investigation shall be forwarded to the State Bureau of Criminal Identification and Investigation, provided that if the license applicant has previously applied to the same licensing authority for a license to carry concealed firearms and the applicant's fingerprints have been previously forwarded to the State Bureau of Criminal Identification and

Investigation, as herein provided, the licensing authority may note such identification numbers and other data as would provide means of identification in the files of the State Bureau of Criminal Identification and Investigation on a copy of the license application and submit such copy to the state bureau in lieu of the applicant's fingerprints. Upon receipt of the fingerprints or copy of license application, the bureau shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office. No license shall be issued by any licensing authority until after receipt of such report from the bureau.

SEC. 3. Section 12053 of said code is amended to read:

Licenses recorded

12053. When any such license is issued a record thereof shall be delivered by the licensing authority to the county clerk and kept in the office of the county clerk. Copies of each license issued shall be filed immediately by the issuing officer or authority with the State Bureau of Criminal Identification and Investigation.

SEC. 4. Section 12054 of said code is amended to read:

Application fee

12054. Each applicant for a license shall pay a fee of three dollars ($3) at the time of filing his application; provided, that an applicant whose fingerprints have previously been forwarded to the State Bureau of Criminal Identification and Investigation, as herein provided, by the same licensing authority in connection with an application for a license to carry concealed firearms shall not be required to pay such fee. The officer receiving the application and the fee shall transmit one-half of the fee with the fingerprints to the State Bureau of Criminal Identification and Investigation. All money so received by the bureau shall promptly be deposited in the State Treasury and credited to the General Fund. The remaining one-half of the fee shall be retained by the licensing authority who shall transmit the money to the city or county treasury.

SEC. 5. Section 8 of the act cited in the title hereof is amended to read:

Sec. 8. Licenses to Carry Firearms: Application: Form and Contents: Record: Filing Copies of Licenses: License Fee: Amount: Deposit and Crediting Amounts Received.

License to carry concealed weapon

It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this State, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed a pistol, revolver, or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued

Applications and licenses Contents

upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. The fingerprints of each applicant must be taken and two copies thereof on forms prescribed by the State Bureau of Criminal Identification and Investigation shall be forwarded to the State Bureau of Criminal Identification and Investigation; provided, that if the license applicant has previously applied to the same licensing authority for a license to carry concealed firearms and the applicant's fingerprints have been previously forwarded to the State Bureau of Criminal Identification and Investigation, as herein provided, the licensing authority may note such identification numbers and other data as would provide means of identification in the files of the State Bureau of Criminal Identification and Investigation on a copy of the license application and submit such copy to the state bureau in lieu of the applicant's fingerprints. Upon receipt of any such fingerprints or copy of license application, it shall be the duty of the bureau promptly to furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office. No license shall be issued by any licensing authority until after receipt of such report from the bureau. When any such license is issued a record thereof shall be delivered by the licensing authority to the county clerk and kept in the office of the county clerk. Such applications and licenses shall be uniform throughout the State, upon forms to be prescribed by the Attorney General. Copies of each license issued shall be filed immediately by the issuing officer or authority with the State Bureau of Criminal Identification and Investigation.

Fingerprinting

Application fee

Each applicant for a license shall pay a fee of three dollars ($3) at the time of filing his application; provided, that an applicant whose fingerprints have previously been forwarded to the State Bureau of Criminal Identification and Investigation, as herein provided, by the same licensing authority in connection with an application for a license to carry concealed firearms shall not be required to pay such fee. The officer receiving the application and the fee shall transmit one-half of the fee with the fingerprints to the State Bureau of Criminal Identification and Investigation. All money so received by the bureau shall promptly be deposited in the State Treasury and credited to the General Fund. The remaining one-half of the fee shall be retained by the licensing authority who shall transmit the money to the city or county treasury.

Effect Stats 1953, Ch 36

SEC. 6. Sections 1, 2, 3 and 4 of this act become operative only if Sections 12050, 12051, 12052, 12053 and 12054 of the Penal Code are enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Sections 12050, 12051, 12052, 12053 and 12054 of the Penal Code take effect, at which time Section 8 of the act cited in the title hereof as amended by this act, is repealed.

CHAPTER 693

An act to amend Section 5837 of the Streets and Highways Code, relating to maintenance districts.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5837 of the Streets and Highways Code is amended to read:

5837. The boundaries of any maintenance district may be altered, and contiguous or noncontiguous territory whether it is within incorporated or unincorporated territory may be annexed thereto. If incorporated territory is sought to be annexed, consent thereto shall first be obtained from the legislative body of the city.

Annexation of territory

The board of supervisors may by resolution fix a time and place for hearing upon the question of annexation of such territory to an existing maintenance district. The resolution shall describe the boundaries of the territory proposed to be annexed.

Hearing

The board of supervisors may by resolution determine that each parcel of the territory annexed or to be annexed to a sewer maintenance district should pay its proportionate share of the cost of outfall and/or pumping plant construction previously paid for by other properties within said district and shall in said resolution fix the amount to be contributed by each said parcel. No parcel so annexed or to be annexed shall be issued a permit to connect to the sewer until the full amount of contribution so fixed has been paid. Any contribution whether heretofore or hereafter collected for such purposes shall be deposited in the county treasury to the credit of said district, or shall be held in trust until the parcel is included within the boundaries of the district at which time such contributions shall be transferred to the credit of said district.

Contributions

The date set for the hearing on the proposed annexation shall be at least three weeks from and after the date of the adoption of the resolution setting the hearing.

Hearing date

CHAPTER 694

An act to add Section 5854 to the Streets and Highways Code, and Section 4887.5 to the Health and Safety Code, relating to sewer maintenance districts.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5854 is added to the Streets and Highways Code, to read:

Change of district name

5854. The board of supervisors may by resolution change the name of any sewer maintenance district to conform with a change in the street name or other designation which the district bears. The clerk of the board of supervisors shall file in the office of the county assessor and with the State Board of Equalization a certified copy of every such resolution, and upon such filing the name of the district shall be changed for all purposes.

SEC. 2. Section 4887.5 is added to the Health and Safety Code, to read:

4887.5. The board may by resolution change the name of any district to conform with a change in the street name or other designation which the district bears. The clerk shall file in the office of the county assessor and with the State Board of Equalization a certified copy of every such resolution, and upon such filing the name of the district shall be changed for all purposes.

CHAPTER 695

An act to amend Sections 13307 and 15110 of the Revenue and Taxation Code, relating to inheritance and gift taxation.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 13307 of the Revenue and Taxation Code is amended to read:

"Class A transferee"

13307. "Class A transferee" means any of the following:

(a) A transferee who is the husband, wife, lineal ancestor, or lineal issue of the decedent.

(b) A transferee whose relationship to the decedent is that of a child adopted by the decedent in conformity with the laws of this State, provided such child was under the age of 21 years at the time of such adoption.

(c) A transferee to whom the decedent for not less than 10 continuous years prior to the transfer stood in the mutually acknowledged relationship of a parent, if the relationship commenced on or before the transferee's fifteenth birthday.

(d) A transferee who is the lineal issue of a child mentioned in subdivision (b) or (c).

(e) A transferee whose relationship to the decedent is that of a person adopted in conformity with the laws of this State by any lineal issue or child mentioned in this section; provided, such person was under the age of 21 years at the time of such adoption.

SEC. 2. Section 15110 of said code is amended to read:

"Class A donee"

15110. "Class A donee" means any of the following:

(a) A donee who is the husband, wife, lineal ancestor, or lineal issue of the donor.

(b) A donee whose relationship to the donor is that of a child adopted by the donor in conformity with the laws of this State, if the child was under the age of 21 years at the time of adoption.

(c) A donee to whom the donor for not less than 10 continuous years prior to the transfer stood in the mutually acknowledged relationship of a parent, if the relationship commenced on or before the donee's fifteenth birthday.

(d) A donee who is the lineal issue of a child mentioned in subdivision (b) or (c).

(e) A donee whose relationship to the donor is that of a person adopted in conformity with the laws of this State by any lineal issue or child mentioned in this section; provided, such person was under the age of 21 years at the time of such adoption.

CHAPTER 696

An act to amend Section 1120 of the Probate Code, relating to the judicial supervision of testamentary trusts.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1120 of the Probate Code is amended to read:

Jurisdiction and administration of trust after final distribution

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee, or, in case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate, and giving the names and post-office addresses, if known, of the beneficiaries. The trustee may also petition such court, from time to time, for instructions as to the administration of the trust. The clerk shall set the account and report or petition for settlement or hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries at their last known addresses, as pro-

vided in said Section 1200, whether they have requested special notice or given notice of appearance or not.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him the petition shall set forth the particulars of and the necessity for the action sought to be taken, and a copy of the petition shall be attached to the notice of hearing thereon, and such notice shall be mailed as required by this section to all persons in being who shall or may participate in the corpus or income of the trust. The court or judge shall appoint a suitable person who shall appear and act as guardian ad litem of any minor, or person of unsound mind, or any person or persons of a designated class who are not ascertained, or who are not in being, and who may so participate in said trust.

CHAPTER 697

An act to amend Section 3082.1 of the Welfare and Institutions Code, relating to persons administering aid to the partially self-supporting and needy blind.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 3082.1 of the Welfare and Institutions Code is amended to read:

Conduct of persons administering aid

3082.1. Every person administering aid under this chapter or Chapter 3 of this part shall conduct himself with courtesy, consideration, and respect toward applicants for or recipients of aid to the blind, and shall endeavor at all times to perform his duties in such manner as to secure for every applicant the maximum amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of this chapter, or of Chapter 3 of this part and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of this chapter or Chapter 3 of this part.

Every person administering aid under this chapter or Chapter 3 of this part shall endeavor at all times to perform his duties in such manner as to assist applicants for and recipients of aid to the blind to decrease or eliminate their dependency by means of more adequate physical, social, and economic adjustments. The number of recipients of aid to the blind for whom any one social worker has responsibility shall be sufficiently small to make possible an effective administration of the provisions of this chapter or Chapter 3 of this part, including the reduction or elimination of dependency whenever possible.

Case load

CHAPTER 698

An act to amend Section 31700 of, and to repeal Section 31700.5 of, the Government Code, relating to retirement of county employees.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 31700 of the Government Code is amended to read:

31700. Any member, whether over or under the minimum age of voluntary service retirement, who leaves county service after completing five years of service may elect in writing, within 180 days after leaving county service, to leave his accumulated contributions in the retirement fund and be granted a deferred retirement allowance to become effective either:

Election to leave accumulated contributions in retirement fund

(a) Upon the option of the member, at any time at which he could have retired had he remained in county service, or

(b) Not later than the first day of the month following that in which he attains the compulsory retirement age.

SEC. 2. Section 31700.5 of the Government Code is repealed.

Repeal

CHAPTER 699

An act to amend Sections 2503, 2505, 2508, 6801 and 6802 of the Labor Code, relating to the powers of the Public Utilities Commission.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2503 of the Labor Code is amended to read:

2503. Every hospital charge demanded, collected, or received by an employer shall be just and reasonable. The Public Utilities Commission may decide what is an unreasonable charge in all cases where such charge is made by a hospital maintained by a common carrier by rail. In all other cases the Industrial Accident Commission may decide what is an unreasonable charge.

Reasonableness of hospital charge

SEC. 2. Section 2505 of the Labor Code is amended to read:

2505. Every common carrier by rail who is required to report under this chapter shall be subject to the jurisdiction, control, and regulation of the Public Utilities Commission in respect to auditing and inspecting of all books, records, and accounts. The Public Utilities Commission may enforce its orders in the same manner and to the same extent as under the Public Utilities Act.

Railroad common carriers Jurisdiction of Public Utilities Commission

SEC. 3. Section 2508 of the Labor Code is amended to read:

Filing reports

2508. The written reports made by a common carrier by rail shall be filed with the Public Utilities Commission. All other written reports shall be filed with the Industrial Accident Commission.

SEC. 4. Section 6801 of the Labor Code is amended to read:

Effect on jurisdiction of Public Utilities Commission

6801. The jurisdiction vested in the division shall in no instance, except those affecting exclusively the safety of employees, impair, diminish. or in any way affect the jurisdiction of the Public Utilities Commission over the construction, reconstruction, replacement, maintenance, or operation of the properties of public utilities or over any matter affecting the relationship between public utilities and their customers or the general public.

SEC. 5. Section 6802 of the Labor Code is amended to read:

Suspension, etc., of orders, etc., by Public Utilities Commission

6802. If the division makes or issues any order, decision, ruling or direction under this chapter which, in the judgment of the Public Utilities Commission, unduly and prejudicially interferes with the construction or operation of any public utility affected thereby, or with the public, or with a consumer or other patron of a public utility affected thereby, the Public Utilities Commission, of its own motion, or upon application of any utility or person so affected, may suspend, modify, alter, or annul such order, decision, ruling, or direction of the commission. The action of the Public Utilities Commission shall supersede and control the order, decision, ruling, or direction of the division previously made.

CHAPTER 700

An act to amend Sections 120, 1121, 1122, 1123, 1124, 1125 and 5196 of the Streets and Highways Code, relating to railroads.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 120 of the Streets and Highways Code is amended to read:

Abandonment of railroad crossing

120. With the consent and approval of the Public Utilities Commission, the department may abandon that portion of any state highway which crosses the tracks or right of way of any railroad or street railroad, and may close such crossing.

SEC. 2. Section 1121 of said code is amended to read:

Submission of petition to Public Utilities Commission

1121. Whenever the petition provided by Section 1102 shows that the general route of the highway to be altered or constructed crosses the track or right of way of any railroad or street railroad, the county clerk of the county wherein the petition is filed shall immediately, upon the appointment of viewers by the board, transmit to the Public Utilities Commission a certified copy of the petition and of the order appointing viewers.

SEC. 3. Section 1122 of said code is amended to read:

1122. Upon receipt of such certified copy of the petition and of the order appointing viewers, the Public Utilities Commission shall fix a day for the hearing of the petition. Such hearing shall be held at the rooms of the board of supervisors. The commission shall give notice of the time and place of such hearing to the viewers, to the clerk of the board of supervisors and to the district attorney of the county wherein the petition is filed, and to the resident owner or agent of the owner of the railroad or street railroad over whose tracks or right of way the highway is to cross.

Hearing

Notice

SEC. 4. Section 1123 of said code is amended to read:

1123. At the hearing the Public Utilities Commission shall hear the evidence offered as to the proposed highway across such track or right of way. The Public Utilities Commission shall determine whether the highway will, if constructed, be constructed across the track or right of way at grade or otherwise, and shall determine and prescribe the manner of constructing such crossing, including the particular point at which the crossing is to be constructed, and the terms of installation, operation and maintenance, use and protection of the crossing. The Public Utilities Commission shall report its determination to the board of supervisors.

Determination and report to supervisors

SEC. 5. Section 1124 of said code is amended to read:

1124. The board of supervisors shall by order fix a day for hearing the viewers' report and the determinations of the Public Utilities Commission, both of which shall be heard on the same day. The board shall give notice of the hearing in all respects as prescribed by Sections 1111 and 1112, and, in addition to such notice, the county clerk shall notify the Public Utilities Commission of the time and place of the hearing.

Hearing by supervisors; Notice

SEC. 6. Section 1125 of said code is amended to read:

1125. At such hearing the board shall first consider the determinations of the Public Utilities Commission, and if they are rejected, there shall be no further proceedings in the matter. If the determinations are approved, the board shall proceed in the manner provided by this article to act upon the viewers' report. The board shall have no power to change or modify the determinations of the Public Utilities Commission except by and with the consent of that commission.

Determination

SEC. 7. Section 5196 of said code is amended to read:

5196. If the doing of the work requires a change of grade of any railroad track or tracks, the legislative body shall direct the clerk to mail to the owner or reputed owner or operator or reputed operator thereof, at its last known address as the same appears on the tax rolls of the city, the legislative body of which is conducting the proceeding, or when no address so appears then to such owner or operator in care of general delivery in such city and to the Public Utilities Commission, printed copies of the resolution of intention within five days after the first publication thereof. Failure to mail said copies or failure of any such owner or operator to receive the same or any erro-

Notice to owners of railroad tracks

neous address thereon shall not affect the jurisdiction of the legislative body, but in such event the failure of the owner or operator of such tracks to make objection to the proposed grades shall not be deemed to be a waiver of all objections to the proposed grades or proposed change or modification of grade, nor operate as a bar to any claim for damages, if recoverable damages there be.

CHAPTER 701

An act to repeal Chapter 8.5 of Part 1 of Division 1 of the Public Utilities Code, relating to excess rate escheat proceedings.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

Repeal

SECTION 1. Chapter 8 5, comprising Sections 1501 to 1508, inclusive, of Part 1 of Division 1 of the Public Utilities Code, is repealed.

CHAPTER 702

An act to amend Sections 735, 736, 819, 3606, and 4081 of the Public Utilities Code, relating to public utilities.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 735 of the Public Utilities Code is amended to read:

Suit to recover reparation

735. If the public utility does not comply with the order for the payment of reparation within the time specified in the order, suit may be instituted in any court of competent jurisdiction to recover the payment within one year from the date of the order, and not after. All complaints for damages resulting from a violation of any of the provisions of this part, except Sections 494 and 532, shall either be filed with the commission, or where concurrent jurisdiction of the cause of action is vested by the Constitution and laws of this State in the courts, in any court of competent jurisdiction, within two years from the time the cause of action accrues, and not after.

SEC. 2. Section 736 of said code is amended to read:

Filing suit Time extended

736. All complaints for damages resulting from the violation of any of the provisions of Sections 494 or 532 shall either be filed with the commission, or, where concurrent jurisdiction of the cause of action is vested in the courts of this State, in any court of competent jurisdiction within three years from the time the cause of action accrues, and not after. If claim for the asserted damages has been presented in writing to the

public utility concerned within such period of three years, such period shall be extended to include six months from the date notice in writing is given by the public utility to the claimant of the disallowance of the claim, or of any part or parts thereof specified in the notice.

SEC. 3. Section 819 of said code is amended to read:

819. To enable it to determine whether it will issue the order, the commission may hold a hearing and may make such additional inquiry or investigation, examine such witnesses, books, papers, documents, and contracts, and require the filing of such data as it deems of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates or other evidence of interest or ownership, or bonds, notes, or other evidences of indebtedness in the amount applied for, or in a lesser amount, or refuse such permission, or grant it subject to such conditions as it deems reasonable and necessary. The commission may authorize issues of bonds, notes, or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed capital stock of a public utility corporation. Hearing

SEC. 4. Section 3606 of said code is amended to read:

3606. No permit issued pursuant to this article shall be sold, leased, assigned, or otherwise transferred or encumbered by the holder without first having secured authorization therefor from the commission. Any sale, lease, assignment, transfer, or encumbrance made otherwise than in accordance with the order of the commission is void. Transfer, etc. of permit

SEC. 5. Section 4081 of said code is amended to read:

4081. No person shall be excused from attending and testifying or from producing any book, document, paper, or account in any investigation or inquiry by or hearing before the commission or any commissioner or examiner, or in obedience to the subpena of the commission, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of any of the provisions of this chapter, when ordered to do so, upon the ground that the testimony or evidence, book, document, paper, or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing concerning which, under oath, he has testified or produced documentary evidence before the commission, or in obedience to its subpena, or in any such cause or proceeding. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Self incrimination

CHAPTER 703

An act to add Section 31679.2 to the Government Code, relating to the County Employees' Retirement System.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 31679.2 is added to the Government Code, to read:

Pensions increased

31679.2. Every current service pension and prior service pension payable for time commencing on the effective date of this section to any member who was retired prior to said effective date, is hereby increased to the amount it would be if the provisions of Section 31679, as they exist on said effective date, had been in effect on the date of the actual retirement of the member; but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the county or district for any increase in any pension paid or payable for time prior to its effective date. Calculations of pensions under this section shall be made on the basis of current interest rate and mortality tables.

Exceptions

This section shall not apply to any retirement system established under the provisions of this chapter, nor to the members or retired members of any such system unless and until the governing board of the county or district covered by such retirement system elects to be subject to the provisions of this section in the manner provided by Article 2 of this chapter with respect to the establishment of a retirement system hereunder; except that an election among the employees is not required.

CHAPTER 704

An act to add Section 292.5 to the Vehicle Code, relating to suspension and revocation of driver's license.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 292.5 is added to the Vehicle Code, to read:

Suspension or revocation of license for narcotics violation

292.5. Suspension or Revocation for Illegal Narcotics. A court may suspend or revoke the privilege of any person to operate a motor vehicle upon conviction of such person of any narcotic offense as defined in Division 10 of the Health and Safety Code when the use of a motor vehicle was involved in, or incident to, the commission of such offense.

The period of time for suspension or the period after revocation during which the person may not apply for a license shall be determined by the court.

Any court suspending or revoking a license under this section, within 10 days thereafter, shall make a written report to the department in the manner provided in Section 744 of this code.

CHAPTER 705

An act to amend Sections 311 and 332 of the Vehicle Code, relating to the cancellation, suspension or revocation of operators' or chauffeurs' licenses and providing for an additional period of suspension where person drives after refusal, suspension or revocation of license.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 311 of the Vehicle Code is amended to read:

311. Procedure Upon Cancellation, Suspension or Revocation. Whenever the department revokes or suspends the privilege of any person to operate a motor vehicle upon a highway or revokes or suspends an operator's or chauffeur's license issued to him evidencing such privilege, the revocation or suspension shall apply to all operator's or chauffeur's licenses held by him, and all such licenses shall be surrendered to the department. Whenever the department cancels an operator's or chauffeur's license, such license shall be surrendered to the department. All suspended licenses shall be retained by the department. Upon the expiration of the period of suspension by the department of any license, the department shall return the license to the licensee, or may grant him a new one.

Procedure upon cancellation, etc., of license

The repeal of subdivision (b) of this section shall not affect revocations or suspensions of drivers' licenses taken pursuant to such subdivision

SEC. 2. Section 332 of said code is amended to read:

332. Driving When License Refused, Suspended or Revoked. (a) Any person who drives a motor vehicle upon a highway at any time when his operator's or chauffeur's license or driving privilege is suspended or revoked or when a license or permit to drive a motor vehicle has been refused and no license has been issued to him under the provisions of this code, and the person so driving has knowledge of either such fact, is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars ($1,000) or both.

Driving when license refused, etc

Penalty

(b) The department, upon receiving a record of the conviction of any person upon a charge of violating subdivision (a)

Suspension of driving privilege

of this section by driving during the period of any term revocation or suspension, whether or not proof of ability to respond in damages was also required, shall suspend the driving privilege of such person for a period of six months effective upon the termination of all outstanding term revocations and suspensions.

Proof of ability to respond in damages

(c) The department, upon receiving a record of the conviction of any person upon a charge of violating subdivision (a) of this section by driving during a period of any revocation or suspension pending the filing of proof of ability to respond in damages but when no term revocation or suspension was outstanding, shall require that proof be maintained for an additional period of six months following the time the requirement of maintaining proof would otherwise be terminated.

CHAPTER 706

An act to amend Section 818 of the Agricultural Code, relating to standards for potatoes.

In effect September 9, 1953

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 818 of the Agricultural Code is amended to read:

Potatoes Standards

818. Potatoes shall be free from mold, decay, soft and wet rots, and black heart; and free from serious damage due to hollow heart, insect injury, freezing, sun scald, dry rots, scab, growth cracks, sunburn, greening, second growth, cuts, bruises, grass roots, nematodes, net necrosis or other internal discoloration, or other causes.

Damage not serious When

Damage to any one potato is not serious when it is caused by:

(a) Hollow heart unless the cracks or cavities, singly or in combination, are greater in length or width than one-third of the diameter of the tuber measured at the widest portion of cross section, at a right angle to a straight line drawn from the stem end to the distal end thereof.

(b) Greening unless the affected portion has at least a greenish tinge of color and causes a waste of 10 percent, by weight, of the individual potato. Light tan or cream colored flesh shall not be considered as damage.

(c) Cuts unless, (1) in the case of long varieties, both ends of the potato have been removed, or (2) more than one-fourth of any portion of the potato has been removed as indicated by the contour of the remaining portion of the potato, or (3) in the case of long varieties one end is removed and the remaining portion of the potato weighs less than six ounces, or (4) in the case of long varieties the cuts are on the sides and the total length of any one such cut is more than one-half the length of the potato. "Cuts" means that a portion of the potato has been

removed by cutting, breaking or mechanical injury or any other cause.

(d) Net necrosis or other internal discoloration unless the affected portion has dark brown or black areas in the flesh and causes a waste of 10 percent, by weight, of the individual potato.

(e) Insect injury, freezing, sun scald, dry rots, scab, growth cracks, sunburn, second growth, bruises, grass roots, nematodes, or other causes unless such defects cause a waste of 10 percent, by weight, of the individual potato.

Not more than 5 percent, by weight, of the potatoes in any one container or bulk lot may be below these requirements.

Containers

Containers of potatoes shall not bear any marking, brand or designation of quality such as "extra selected," "selected," "select," "extra fancy," "fancy," "choice," "No. 1," or other similar superlative designations which imply a reasonably high quality, unless the contents of the container conform at least to the requirements of the U. S. No. 1 grade established for potatoes by the United States Department of Agriculture.

CHAPTER 707

An act to amend Sections 5410.2, 5410.5, and 5425 of, and to add Sections 5426.5, 5426.6, 5663.1, 5663.2, and 5663.3 to, the Public Resources Code, relating to withdrawal of territory from a public recreation district.

[Approved by Governor May 14, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5410.2 of the Public Resources Code is amended to read:

Election of governing board

5410.2. The governing body of the city or county within which the district is situated may submit to the voters of a district either at the same election at which a question of the formation of the district is submitted, or at any subsequent election, the question as to whether the district shall be governed by its own board of directors and for selection of five persons, having the qualifications prescribed by this article, to serve on the first board of district directors.

SEC. 2. Section 5410.5 of said code is amended to read:

Special election

5410.5. The governing body of the county or city may call a special election at which members of the board of directors shall first be elected. Thereafter directors shall be elected at the same time and in the same manner as are the members of the governing body of the county or city which would be the governing body of the district had the voters therein not voted for a separate board of directors. The name of any qualified person may be placed on the ballot as a candidate for the office of district director upon the petition of not less than 10 qualified electors residing within the district filed with the board of directors

not later than 20 days before an election to select a member of the board.

SEC. 3. Section 5425 of said code is amended to read:

Annexation or withdrawal of territory: Procedure

5425. If it determines to annex to or withdraw from the district any territory it shall so declare by resolution. The annexation or withdrawal shall be effective upon the date of the adoption of the resolution unless more than 1 percent of the total number of voters living within the territory to be annexed to the district have at or prior to the hearing filed written objections to the annexation, or more than 1 percent of the total number of voters residing in the territory proposed to be withdrawn have at or prior to the hearing filed written objections to the withdrawal. If written objection to the proposed annexation or withdrawal is made by the number of voters specified in this section, the resolution of annexation or withdrawal shall not be effective until it is approved by a majority vote of the voters of the entire district except that where territory is withdrawn as a result of incorporation as a city or annexation to a city, the proposed withdrawal shall not be effective until it is approved by a majority vote of the voters of the territory proposed to be withdrawn, or by a majority vote of the voters of the entire new proposed district in case of a proposed annexation of territory. An election shall be called for that purpose by the governing body not later than 60 days after the adoption of the resolution. If so approved, the territory is annexed or withdrawn, as the case may be.

SEC. 4. Section 5426.5 is added to said code, to read:

Title to property retained

5426.5. When any territory is withdrawn from a district and incorporated as a city, or annexed to a city, the district shall retain title to and possession of all property of the district both real and personal. The district may convey all or any part of such property to the city with or without the payment of consideration therefor as the governing body of the district determines.

SEC. 5. Section 5426.6 is added to said code, to read:

Liability for bonded indebtedness

5426.6. Territory withdrawn from a district shall continue to be liable for such portion of the bonded indebtedness of the district incurred before the withdrawal as it would have been liable for had it not withdrawn.

SEC. 6. Section 5663.1 is added to the Public Resources Code, to read:

Annexation or withdrawal of territory: Procedure

5663.1. If it determines to annex to or withdraw from the district any territory it shall so declare by resolution. The annexation or withdrawal shall be effective upon the date of the adoption of the resolution unless more than 1 percent of the total number of voters living within the territory to be annexed to the district have at or prior to the hearing filed written objections to the annexation, or more than 1 percent of the total number of voters residing in the territory proposed to be withdrawn have at or prior to the hearing filed written objections to the withdrawal. If written objection to the proposed annexation or withdrawal is made by the number of voters specified in this

section, the resolution of annexation or withdrawal shall not be effective until it is approved by a majority vote of the voters of the entire district, except that where territory is withdrawn as a result of incorporation as a city or annexation to a city, the proposed withdrawal shall not be effective until it is approved by a majority vote of the voters of the territory proposed to be withdrawn, or by a majority vote of the voters of the entire new proposed district in case of a proposed annexation of territory. An election shall be called for that purpose by the governing body not later than 60 days after the adoption of the resolution. If so approved, the territory is annexed or withdrawn, as the case may be.

SEC. 7. Section 5663.2 is added to said code, to read:

Title to property retained

5663.2. When any territory is withdrawn from a district and incorporated as a city, or annexed to a city, the district shall retain title to and possession of all property of the district both real and personal. The district may convey all or any part of such property to the city with or without the payment of consideration therefor as the governing body of the district determines.

SEC. 8. Section 5663.3 is added to said code, to read:

Liability for bonded indebtedness

5663.3. Territory withdrawn from a district shall continue to be liable for such portion of the bonded indebtedness of the district incurred before the withdrawal as it would have been liable for had it not withdrawn.

CHAPTER 708

An act to amend Sections 1867 and 3132 of the Education Code, relating to canvass of the returns of school trustee elections.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1867 of the Education Code is amended to read:

School district elections Canvassing returns certificates of election

1867. The governing board shall meet sometime between the fourth and seventh days after the election on the day and at the hour fixed in the notice of the election and canvass the returns and issue certificates of election to the persons elected. They shall file duplicates of the certificates with the superintendent of schools having jurisdiction over the union or joint union school district.

SEC. 2. Section 3132 of the Education Code is amended to read:

3132. The high school board shall meet sometime between the fourth and seventh days after the election on the day and at the hour fixed in the notice of the election and canvass the returns and issue certificates of election to the persons elected and file

duplicates of the certificates with the superintendent of schools having jurisdiction over the high school district.

CHAPTER 709

An act to amend Sections 459 and 472, and to repeal Section 592.2 of, and to add Section 459.8 to, the Vehicle Code, relating to the regulation of stopping, standing or parking of vehicles.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 15, 1953.]

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

SECTION 1. Section 459 of the Vehicle Code is amended to read:

Powers of local authorities

459. Powers of Local Authorities. The provisions of this division shall not prevent local authorities within the reasonable exercise of the police power from adopting rules and regulations by ordinance or resolution on the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other traffic control signaling devices.

(e) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specified direction.

(f) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction such highway is no longer needed for vehicular traffic.

(g) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersection.

(h) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(i) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in secondary schools of this State.

When effective: Signs, approval of ordinance or resolution

No ordinance or resolution enacted under subdivision (e), (f), (g), (h) or (i) hereof shall be effective until signs giving notice of such local traffic laws are posted at all entrances to the highway or part thereof affected. All signs giving notice of any local traffic laws under subdivision (f) hereof shall conform to the specifications applicable to stop signs hereinafter set forth.

No ordinance or resolution proposed to be enacted under subdivisions (d), (e), (f), (g), (h) or (i) hereof shall be effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting the same; provided, that as to any state highway, if prior to the enactment of such ordinance or resolution, the legislative body of the local authority proposing to enact the same shall submit to the Department of Public Works such ordinance or resolution in complete draft form, and the said department gives its approval in writing to the application thereof to such state highways or parts thereof as the department shall specify in said approval, then said ordinance or resolution shall upon its enactment be effective as to such state highways or parts thereof as the department shall have specified in its said approval.

SEC. 2. Section 459.8 is added to the Vehicle Code, to read:

459.8. Local Parking Regulations. The provisions of this division shall not prevent local authorities, by ordinance or resolution, from prohibiting the parking or standing of vehicles on certain streets or highways, or portions thereof, at all or certain hours of the day. Local parking regulations

SEC. 3. Section 472 of the Vehicle Code is amended to read:

472. Curb Markings to Indicate Parking Regulations. Whenever local authorities enact local parking regulations and indicate them by the use of paint upon curbs, the following colors only shall be used and such colors indicate as follows: Curb markings

(a) Red indicates no stopping, standing or parking, whether the vehicle is attended or unattended; except that a bus may stop in a red zone marked or signposted as a bus loading zone.

(b) Yellow indicates stopping only for the purpose of loading or unloading passengers or freight for such time as may be specified by local ordinance.

(c) White indicates stopping only for loading or unloading of passengers for such time as may be specified by local ordinance or for the purpose of depositing mail in an adjacent mailbox.

(d) Green indicates time limit parking specified by local ordinance.

Regulations indicated as above provided shall be effective upon such days and during such hours or times as may be prescribed by local ordinances.

SEC. 4. Section 592.2 of the Vehicle Code is hereby repealed. Repeal

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CHAPTER 710

An act to amend Section 28111 of the Government Code, relating to the compensation of county officers.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28111 of the Government Code is amended to read:

Kern County: Salaries

28111. In a county of the eleventh class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

Auditor

(a) The auditor, nine thousand three hundred fifty dollars ($9,350) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

District attorney

(b) The district attorney, twelve thousand dollars ($12,000) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

Supervisors

(c) Each supervisor, nine thousand dollars ($9,000) a year and actual and necessary expenses incurred in the performance of the duties of his office.

Grand jurors

(d) For attending as a grand juror, for each day's actual attendance, six dollars ($6), and fifteen cents ($0.15) a mile for each mile actually traveled in going only.

Trial jurors

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, three dollars ($3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

If it is not legally competent to pay the compensation provided by this section 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 711

An act to amend Section 28147 of the Government Code, relating to compensation for public service in counties of the forty-seventh class.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28147 of the Government Code is amended to read:

28147. In a county of the forty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

Inyo County. Salaries

(a) The auditor, five thousand two hundred eighty dollars ($5,280) a year.

Auditor

(b) The district attorney, six thousand seven hundred twenty dollars ($6,720) a year for his full time services. He shall not engage in the private practice of law.

District attorney

(c) Each supervisor, two thousand one hundred dollars ($2,100) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board.

Supervisors

(d) Jurors shall receive the following fees and mileage:

Jurors

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance three dollars ($3), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance two dollars ($2), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

CHAPTER 712

An act to amend Sections 16.3, 19.6, and 39.1 of the Fish and Game Code, relating to the powers of the Fish and Game Commission.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16.3 of the Fish and Game Code is amended to read:

16.3. Any order of the commission pursuant to this article relating to birds and mammals may apply to all or any districts or portions thereof, at the discretion of the commission, and

Order of commission Scope

may do any or all of the following as to any or all species or varieties:

(a) Establish, extend, shorten, or abolish open seasons and closed seasons.

(b) Establish, change, or abolish bag limits and possession limits.

(c) Establish and change territorial limits for the taking of any or all species or varieties.

(d) Prescribe the manner and the means of taking any species or variety.

(e) Establish, change, or abolish restrictions based upon sex, maturity, or other physical distinctions.

The commission has no power under this article to make any order authorizing or permitting the taking of any bird or mammal in any refuge or preserve heretofore or hereafter established by statute and no order of the commission authorizing or permitting such taking shall hereafter be effective for such purpose.

SEC. 2. Section 19.6 of said code is amended to read:

Expiration date

19 6. The provisions of this article shall be effective until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature and thereafter shall have no force or effect.

SEC. 3. Section 39.1 of said code is amended to read:

Special hunting season

39.1. Whenever after due investigation the commission shall find that big game animals and upland game birds have increased in numbers in any fish and game district, other than a refuge or preserve heretofore or hereafter established by statute, to such an extent that a surplus exists, or to such an extent that such animals or birds are damaging public or private property, or are overgrazing their range, the commission is hereby authorized to provide, by order, for a special hunting season for such animals and birds, additional to, or concurrent with any open season specified by law; or to provide for increased bag limits; or to remove sex restrictions specified by law. Prior to the making of such an order the commission at an open meeting shall publicly announce the contents of the proposed order and fix a time and place at which a hearing on the proposed order shall be held. The time shall be not less than 35 days from the day of said meeting and the place shall be the county seat of the county in which the area to be affected by the order lies or, if such area lies in more than one county, the county seat of the county in which the greater portion of such area lies. Notice of the hearing shall be published at least once, and at least 30 days prior to the hearing, in a newspaper of general circulation in the county in which the hearing is to be held, or if no such newspaper is published in said county then in such a newspaper in an adjoining county. The hearing shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director if requested so to do by the commission. Such employees of the department as may be necessary or are requested by any interested group of persons, shall be present at the hearing. After

Hearing

Notice

the hearing the commission may abandon the proposal or make a final order, with any modifications it deems appropriate or without modification.

The order may fix a license fee for special hunting, designate the number of special licenses to be issued, the area in which such hunting will be permitted, the number and sex of animals or birds that may be killed by each holder of special license, and the conditions and regulations to govern such hunting. The money received from the sale of such licenses shall be paid into the Fish and Game Preservation Fund. License fee

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CHAPTER 713

An act to amend Section 664 of the Penal Code, relating to the punishment of persons for attempted crimes.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 664 of the Penal Code is amended to read:

664. Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts as follows: Attempted crime Punishment

1. If the offense so attempted is punishable by imprisonment in the state prison for five years, or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the state prison, or in a county jail, as the case may be, for a term not exceeding one-half the longest term of imprisonment prescribed upon a conviction of the offense so attempted; provided, however, that if the crime attempted is one in which there is no maximum sentence set by law or in which the maximum sentence is life imprisonment or death the person guilty of such attempt shall be punishable by imprisonment in the state prison for a term of not more than 20 years.

2. If the offense so attempted is punishable by imprisonment in the state prison for any term less than five years, the person guilty of such attempt is punishable by imprisonment in the county jail for not more than one year.

3. If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the offense so attempted.

4. If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half the longest term of imprisonment and one-half the largest fine which may be imposed upon a conviction of the offense so attempted.

CHAPTER 714

An act to amend Section 956 of, and to repeal Sections 957 and 1078 of, the Fish and Game Code, relating to nets.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 956 of the Fish and Game Code is amended to read:

Trawl nets Use

956. In Districts 17, 18, and 118.5, trawl nets may be used in waters not less than three nautical miles from the nearest point of land on the mainland shore, including those portions of Monterey Bay, Estero Bay, and San Luis Obispo Bay which lie within said districts.

Repeal

SEC. 2. Sections 957 and 1078 of said code are repealed.

CHAPTER 715

An act to amend Section 647 of the Code of Civil Procedure, relating to matters deemed excepted to.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 647 of the Code of Civil Procedure is amended to read:

Matters deemed excepted to

647. The verdict of the jury, the final decision in an action or proceeding, an interlocutory order or decision, finally determining the rights of the parties, or some of them, an order or decision from which an appeal may be taken, an order sustaining or overruling a demurrer, allowing or refusing to allow an amendment to a pleading, striking out or refusing to strike out a pleading or a portion thereof, refusing a continuance, an order made upon ex parte application, giving an instruction, although no objection to such instruction was made, refusing to give an instruction, modifying an instruction requested, an order or decision made in the absence of the party or an order granting or denying a nonsuit or a motion to strike out evidence or testimony, a ruling sustaining or overruling an objection to evidence, any misstatement of the court in commenting upon or in summarizing the evidence, and, if the party, at the time when the order, ruling, action or decision is sought or made, or within a reasonable time thereafter, makes known his position thereon, by objection or otherwise, all other orders, rulings, actions or decisions are deemed to have been excepted to.

CHAPTER 716

An act to amend Section 34153 of the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

In effect immediately

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

SECTION 1. Section 34153 of the Water Code is amended to read:

34153. The holders of title to a majority in area of land which is susceptible of irrigation from a common source and by the same system of works, may petition for the formation of a district.

Petition to form district

The area need not be contiguous if:

Need not be contiguous

(a) The portions of the proposed district are separated by land under the control of a state hospital, or

(b) The boundary of each of the portions of the proposed districts is within two miles of the boundary of another portion of the proposed district.

When a district is proposed to be formed from noncontiguous areas, the petition shall be signed by the holders of title of a majority of the assessed value of land within each of the noncontiguous areas proposed to be included within the district.

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.

Urgency

The facts constituting such necessity are:

The urgent need for an immediate water supply for irrigation and other agricultural purposes in many now developed agricultural areas within the central valley of this State wherein there is no water supply available except such as may be acquired from or through the limited and unallocated supply of the Central Valley Project, of which limited and unallocated supply some has been tentatively allocated for the supply of such areas by and through water districts yet to be formed, coupled with the existence of previously formed irrigation districts and other governmental agencies and districts in such areas as made necessary by the increasing population of the State, has created a condition wherein it is impracticable or impossible to form water districts in one contiguous body and, in such instances, the water tentatively allocated to such areas might be permanently allocated to other areas or for other than agricultural purposes, and any delay in the formation of water districts in such areas would expose the agricultural development now existing therein to irreparable loss and render future or further development impossible, and the objects of the Water District Act cannot be feasibly or economically achieved and are defeated by the requirement of contiguity. It is therefore necessary that this act shall take effect immediately.

CHAPTER 717

An act to add Section 6221 to the Public Resources Code, relating to state lands.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 6221 is added to the Public Resources Code, to read:

Application for occupancy permit

6221. Any instrumentality, district, agency, or political subdivision of the State occupying or using, pursuant to law, lands owned by the State and under the jurisdiction of the commission shall comply with the provisions of this division and the commission shall issue a permit for occupancy of such land upon application which application shall set forth:

(a) A description of the state lands involved, giving sufficient details or a survey tied to a record survey or monument in order to locate it accurately.

(b) The public use to be made of the land.

CHAPTER 718

An act to amend Section 28128 of the Government Code, relating to compensation for public services in counties of the twenty-eighth class.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 28128 of the Government Code is amended to read:

San Luis Obispo County: Salaries

28128. In a county of the twenty-eighth class the following shall receive as compensation for the services required by them by law or by virtue of their offices the following sums:

Auditor

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

District attorney

(b) The district attorney, nine thousand dollars ($9,000) a year. He shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

Supervisors

(c) Each supervisor, for all services required of him as supervisor four thousand five hundred dollars ($4,500) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed eight cents ($0.08) a mile, and actual expenses incurred doing county business outside of the county on order of the board of supervisors.

He shall also be allowed eight cents ($0.08) a mile going to and from his residence to the courthouse to attend regular and special meetings of the board. In lieu of mileage allowed as a member of the board of supervisors, the chairman of the board shall be supplied by the county with an automobile for use in performance of official duties, and all expenses for fuel, oil, supplies, upkeep, and maintenance of such automobile shall be paid from county funds.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance. In justice courts in civil cases the jurors sworn to try the cases shall receive two dollars ($2) for each day's attendance. All jurors shall receive fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the place of service. In the justice courts mileage shall be allowed only to those sworn to try the case. Jurors

The compensation provided by this section shall be payable to incumbent officers. Incumbents

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CHAPTER 719

An act to add Section 22078 to the Water Code, relating to powers and purposes of irrigation districts.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.] In effect September 9, 1953

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

SECTION 1. Section 22078 is added to the Water Code, to read as follows:

22078. A district may control, distribute, store, spread, sink, treat, purify, recapture and salvage any water including but not limited to sewage waters for the beneficial use or uses of the district or its inhabitants or the owners of rights to waters therein. District control, etc., of water

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CHAPTER 720

An act to add Section 18b to the Penal Code, relating to the minimum punishment for felony.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953] In effect September 9, 1953

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

SECTION 1. Section 18b is added to the Penal Code, to read:

18b. In all cases where the punishment is prescribed by any law of the State for every offense declared to be a felony and punishable by imprisonment in the state prison, for which there is provided a maximum term of 15 years or less, the minimum term shall be six months. Felony: Minimum punishment

CHAPTER 721

An act to amend Section 3041 of the Penal Code, relating to the time determination of parole may be made.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 3041 of the Penal Code is amended to read:

Time for determination of parole

3041. In any case the matter of parole may be determined by the board at any time after the expiration of six months from and after the actual commencement of such imprisonment; provided, however, that where the maximum sentence is five years or less, such determination may be made by the Adult Authority after a period of 90 days.

CHAPTER 722

An act to amend Section 3020 of the Penal Code, relating to the authority of board in determining and redetermining term of imprisonment.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 3020 of the Penal Code is amended to read:

Determining term of imprisonment

3020. In the case of all persons heretofore or hereafter sentenced under the provisions of Section 1168 of this code, the board may determine and redetermine, after the expiration of six months, from and after the actual commencement of imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State; provided, however, that where the maximum sentence is five years or less, such determination may be made by the Adult Authority after a period of 90 days.

CHAPTER 723

An act to add Section 4503 to the Penal Code, relating to the punishment for the holding of persons as hostages in defiance of official orders.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 4503 is added to the Penal Code, to read:

4503. Any prisoner who holds as hostage any person within any prison or facility under the jurisdiction of the Director of Corrections, or who by force or threat of force holds any person or persons against their will in defiance of official orders within any such prison or facility, shall be guilty of a felony and shall be imprisoned in the state prison for a term not less than five years. Holding of hostages: Penalty

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CHAPTER 724

An act to amend Section 1676 of the Health and Safety Code, relating to the care of laboratory animals.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1676 of the Health and Safety Code is amended to read:

1676. An annual fee, to be employed for the enforcement of this act, shall accompany each application for approval. The annual fee payable to the Department of Public Health shall be in the following amount: Annual fee

(a) With respect to any person who in the previous calendar year used 500 or less animals for any of the purposes specified in this chapter, the fee shall be five dollars ($5).

(b) With respect to any person who in the previous calendar year used more than 500 but less than 2,500 animals for any of the purposes specified in this chapter, the fee shall be twenty-five dollars ($25).

(c) With respect to any person who in the previous calendar year used 2,500 or more animals for any of the purposes specified in this chapter, the fee shall be two hundred dollars ($200).

CHAPTER 725

An act authorizing the State Lands Commission to exchange property of the State of California for property in Contra Costa 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 lands.

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

In effect September 9, 1953

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

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 the Land grants

areas of Contra Costa County described in Section 2 of this act, 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 the same areas of Contra Costa 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.

Location of land

SEC. 2. The parcels of land authorized in Section 1 of this act to be granted by the State of California and the parcels of land to be granted as a condition to such grant by any person, persons, or corporation are more particularly located and will come within the south half of Section 5, the north half of Section 7, and the northwest quarter of Section 8, Township 2 North, Range 1 East, M. D. B. & M.

Lands freed of public trust

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 action

SEC. 4. The grantee or grantees of any lands granted by the State 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.

CHAPTER 726

An act to add Section 1401.5 to, and amend Section 1415 of, the Health and Safety Code, relating to the licensure of hospitals.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 1401.5 is added to the Health and Safety Code, to read:

1401.5. The use of the name or title "hospital" by any person or persons to identify a facility for the diagnosis, care, and treatment of human illness other than a facility subject to or specifically exempted from the licensure provisions of this chapter is prohibited. Use of "hospital" prohibited

SEC. 2. Section 1415 of said code is amended to read:

1415. The provisions of this chapter do not apply to any of the following institutions: Exemptions

(a) Any hospital conducted, maintained or operated by the United States Government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this State or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the State. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Divisions 2 and 3 of the Welfare and Institutions Code, respectively, subject to the jurisdiction of the State Department of Social Welfare.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

CHAPTER 727

An act to amend Section 29 of the Fish and Game Code, relating to the taking of birds, mammals, or fish.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 29 of the Fish and Game Code is amended to read:

Taking birds, mammals, etc.

29. The department may take any bird, mammal, or fish which, in the opinion of the department, is unduly preying upon another bird, mammal, or fish. The commission may prescribe the terms of a permit to take any fish which, in the opinion of the department, is harmful to other species of fish and which should be reduced in numbers.

CHAPTER 728

An act to amend Section 7.7 of the Unemployment Insurance Act (as added by Chapter 1758 of the Statutes of 1951) and Sections 626 and 628 of the Unemployment Insurance Code, relating to the definition of agricultural labor.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 7.7 of the Unemployment Insurance Act (as added by Chapter 1758 of the Statutes of 1951) is amended to read:

Agricultural labor

Sec. 7.7. Agricultural labor includes all services performed

(a) On a farm in the employ of any person:

(1) In connection with the preparation, care and treatment of farm land, including leveling for agricultural purposes, plowing, disking, and fertilizing the soil;

(2) In connection with the sowing and planting of any agricultural or horticultural commodity;

(3) In connection with the care of any agricultural or horticultural commodity. As used in this subdivision "care" includes, but is not limited to, cultivation, irrigation, weed control, thinning, heating, fumigating, spraying, and dusting;

(4) In connection with the harvesting of any agricultural or horticultural commodity. As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling (subject to the provisions of Section 7.3), field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing. By way

of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, is included within the term "harvesting" as used in this subdivision;

(5) In connection with the assembly and storage of any agricultural or horticultural commodity. As used in this subdivision "assembly and storage" includes, but is not limited to, loading, roadsiding, banking, stacking, binning, and piling;

(6) In connection with the raising, feeding and management of livestock, mink, poultry and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey.

(b) In the employ of the owner or tenant of a farm:

(1) In connection with the drying, processing, packing, packaging, handling, grading, storing, freezing, transporting to delivery point or point of first processing, and marketing of any agricultural or horticultural commodity the major part of which was produced by such owner or tenant.

(2) In connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment if the major part of such services are performed on a farm in connection with ordinary farming operations.

(3) The provisions of paragraphs (1) and (2) are not applicable with respect to services performed in connection with commercial canning or commercial freezing operations or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption, or to manufacturing or commercial operations as distinguished from ordinary farming operations.

(c) As used in this section, the term "farm" includes, among others, stock, dairy, mink, poultry, fruit and truck farms, plantations, ranches, ranges, apiaries, orchards, vineyards, nurseries, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of the Statutes of 1953, as required by Section 9762 of the Government Code.

SEC. 4. Sections 2 and 3 of this act become operative only if the Unemployment Insurance Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said code takes effect, at which time Section 7.7 of the Unemployment Insurance Act as amended by this act is repealed.

Effect Stats. 1953, Ch 308

CHAPTER 729

An act to amend Section 6408 of the Labor Code, relating to the reporting of death cases.

In effect September 9, 1953

[Approved by Governor May 15, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 6408 of the Labor Code is amended to read:

Death report

6408. Where the injury results in death a report, in addition to the report required by Section 6407, shall forthwith be made by the employer to the Division of Labor Statistics and Research by telephone or telegraph.

CHAPTER 730

An act to amend Section 214 of the Revenue and Taxation Code, relating to the welfare exemption, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 15, 1953 Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 214 of the Revenue and Taxation Code is amended to read:

Tax exempt property

214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if:

Conditions

(1) The owner is not organized or operated for profit; provided, that in the case of hospitals, such organization shall not be deemed to be organized or operated for profit, if during the immediate preceding fiscal year the excess of operating revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses. As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness;

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

(3) The property is used for the actual operation of the exempt activity;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distri-

bution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes;

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States, and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

"Welfare exemption"

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption. Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Retroactive

SEC. 2. In view of the fact that this act will not become law until after the first Monday in March, 1953, it is hereby declared to be the express intention of the Legislature that said amendment shall be effective as of January 1, 1953, and as to all taxes levied or to be levied on or after said date.

Severability clause

SEC. 3. 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 of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

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: Continuously since the adoption of the "welfare exemption" it has been understood by the administrators of the law, as well as by the public generally, that it was the purpose and the intent of Legislature in the adoption of sub-

division (3) of Section 214 of the Revenue and Taxation Code to disqualify for tax exemption any property of a tax exempt organization which was not used for the actual operation of the exempt activity, but that such organization could rightfully use the income from the property devoted to the exempt activity for the purposes of debt retirement, expansion of plant and facilities or reserve for operating contingencies without losing the tax exempt status of its property.

Recently, doubt has been cast upon the foregoing interpretation by a decision of the State Supreme Court involving the tax exemption of a hospital. This decision was broad in its application and has caused the postponement or actual abandonment of plans for urgently needed hospital construction and expansion at a time when there are insufficient hospital facilities in this State to properly care for the health needs of its citizens, and virtually no surplus facilities for use in case of serious epidemic or disaster. This Legislature has recognized that in addition to gifts and bequests the traditional method for the financing of the expansion and construction of voluntary religious and community nonprofit hospital facilities is through the use of receipts from the actual operating facilities In its decision the Supreme Court indicated that this was a matter for legislative clarification.

It has never been the intention of the Legislature that the property of nonprofit religious, hospital or charitable organizations otherwise qualifying for the welfare exemption should be denied exemption if the income from the actual operation of the property for the exempt activity be devoted to the purposes of debt retirement, expansion of plant and facilities or reserve for operating contingencies, it having been the intent of the Legislature in adopting subsection (3) of Section 214 to deny exemption to property not used for exempt purposes even though the income from the property was used to support an exempt activity.

Therefore, in order to clarify the legislative intent and to remove any doubt with respect to the status of property actually used for exempt purposes, it is necessary to amend subdivision (3) of Section 214 of the Revenue and Taxation Code. It is essential that this be done at the earliest possible moment to avoid further delays in the construction and expansion of needed hospital facilities.

CHAPTER 731

An act to amend Section 11010 and 11015 of the Business and Professions Code, relating to subdivided lands.

In effect September 9, 1953

[Approved by Governor May 18, 1953 Filed with Secretary of State May 18, 1953]

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

SECTION 1. Section 11010 of the Business and Professions Code is amended to read:

11010. Prior to the time when subdivided lands are to be offered for sale or lease, the owner, his agent or subdivider shall notify the commissioner in writing of his intention to sell or lease such offering. Notice of intent to sell, etc

The notice of intention shall contain the following information:

(a) The name and address of the owner.

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(f) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas and telephone facilities.

(g) Such other information as the owner, his agent, or subdivider, may desire to present.

SEC. 2. Section 11015 of said code is amended to read:

11015. When an inspection is to be made of subdivided lands, situated outside the State of California, being offered for sale or lease in this State, the questionnaire shall be accompanied by the filing fee, together with an amount equivalent to ten cents ($0.10) a mile for each mile going and returning, estimated by the commissioner to be traveled by railroad from Sacramento to the location of the project, and an amount estimated to be necessary to cover the additional expenses of such inspection, not to exceed fifty dollars ($50) a day for each day consumed in the examination of the project. Inspection of lands outside the State Costs

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CHAPTER 732

An act to amend and renumber Section 20358 of the Education Code, as added by Chapter 1640 of the Statutes of 1951, relating to the purchase of insurance in connection with driver training classes.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 18, 1953.] In effect September 9, 1953

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

SECTION 1. Section 20358 of the Education Code, as added by Chapter 1640 of the Statutes of 1951, is amended and renumbered to read:

20359. The Department of Education may insure the owner of any motor vehicle used in driver training and employees of state colleges and the students instructed by them against any liability, other than a liability which may be insured against under Division 4 of the Labor Code, for injuries or damages resulting from the negligent operation of any motor Driver training classes Insurance

vehicle while such motor vehicle is operated by the employees or by students in connection with the giving of instruction in the operation of motor vehicles within the curricula of the state college.

CHAPTER 733

An act to amend Section 25823 of the Government Code, relating to the powers of boards of supervisors.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 25823 of the Government Code is amended to read:

Disposal facilities regulated

25823. The board may make and enforce all necessary and proper regulations for the use of disposal facilities not in conflict with the Constitution and the laws of the State. The board may collect compensation from private or public parties for the right to dump or for the use of any dump site, incinerator, or other disposal plant, or for the disposal of garbage or rubbish brought to any dump site, incinerator, or other disposal plant. It may restrict the use of the facilities to the inhabitants of the county.

CHAPTER 734

An act to amend Section 489 of the Penal Code, relating to the punishment of grand theft.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 489 of the Penal Code is amended to read:

Grand theft: Penalty

489. Grand theft is punishable by imprisonment in the county jail for not more than one year or in the state prison for not more than 10 years.

CHAPTER 735

An act to amend Government Code Section 39731 and to add thereto new sections numbered 39731.1 and 39731.2, relating to acquiring, operating, paying the cost of acquiring and operating, and protecting the property and revenues of ferry systems owned by fifth and sixth class cities.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 39731 of the Government Code is amended to read as follows:

39731. By gift, purchase, or eminent domain, a legislative body may acquire any existing ferry system, including any franchise or license, boats and vessels, land and interest in land, slips, wharves, piers, landing places, approaches, and equipment and facilities used or for use in the maintenance and operation thereof. The legislative body may operate the ferry system as a toll or free ferry upon navigable waters within or adjacent to the city boundaries. The cost of acquisition and operation may be paid from the city general fund, from revenues of the ferry system, or from any other funds that may be legally applied to such purpose.

Acquiring, operating ferry system

SEC. 2. A new section to be numbered 39731.1 is added to the Government Code, to read as follows:

39731.1. The legislative body, in connection with the acquisition or otherwise, may contract with any person, firm, or corporation for the operation or management of any ferry system acquired or owned by the city upon such terms and provisions as it may determine.

Contracts to operate, etc

SEC. 3. A new section to be numbered 39731.2 is added to the Government Code, to read as follows:

39731.2. Neither the State nor any subdivision, authority, or agency thereof, nor any public corporation, district, or authority, shall construct or operate any bridge, tunnel, or transportation facility, which by its operation, will compete with and materially damage the property or injure the business or revenues of any toll-ferry system owned by any fifth or sixth class city, without first making adequate provision for just and reasonable compensation for the damage or loss of the property and revenues of such ferry system.

State-owned bridges, etc., competing with city prohibited

CHAPTER 736

An act to amend Sections 106.1 and 110.5 of the Agricultural Code, relating to plant quarantine and pest control.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 106.1 of the Agricultural Code is amended to read:

106.1. It shall be unlawful for any person in possession or in charge of any vehicle to fail to stop such vehicle at an inspection station or upon demand of a uniformed plant quarantine officer for the purpose of determining whether any quarantine established pursuant to the provisions of this chapter is being violated. The director shall cause conspicuous signs to be erected at or near each inspection station which signs shall disclose the existence of such station.

Failure to stop at inspection station unlawful

SEC. 2. Section 110.5 of the Agricultural Code is amended to read:

110.5. The Regents of the University of California may collect and, subject to the provisions of Section 110, import

Importation of insects

into this State from foreign countries, parasitic and predaceous insects for use in the control of insect pests of horticultural and agricultural crops and of livestock, and for this purpose may employ and send abroad experts who shall be allowed, in addition to their compensation, their necessary subsistence, traveling and other expenses incidental to the performance of their duties.

CHAPTER 737

An act to amend Section 8809 of the Streets and Highways Code, relating to improvement bonds.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 18, 1953.]

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

SECTION 1. Section 8809 of the Streets and Highways Code is amended to read:

Special tax

8809. The legislative body, shall, at the time of fixing the annual tax rate and levying the taxes to be collected for general city purposes, levy a special tax upon the taxable property in the city for the purpose of paying for the lands purchased or to be purchased at tax sales held under the provisions of this part, and also for the purpose of paying installments of the assessment or of the interest thereon, which the city is required to pay under the provisions of Section 8806 hereof, but not to exceed for each local improvement ten cents ($0.10) on each one hundred dollars ($100) of assessable property in any one year. Such special tax shall be in addition to all other taxes levied for city purposes, and shall be computed, entered and collected in the same manner, and by the same persons and at the same time and with the same penalties and interest as are other taxes of the city.

CHAPTER 738

An act to add Section 665 to the Fish and Game Code, relating to commercial fishing.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 665 is added to the Fish and Game Code, to read:

Taking salmon unlawful

665. It is unlawful to take salmon for profit at the mouth of Humboldt Bay in those portions of Districts 6 and 7 within three nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouth of said bay.

CHAPTER 739

An act to amend Sections 924 and 958 of the Fish and Game Code, relating to nets.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 924 of the Fish and Game Code is amended to read:

924. In that part of District 16 lying north and west of a line drawn from the light on the end of the Monterey breakwater magnetic east to the shore line, purse and round haul nets may be used to take fish other than squid and lampara nets may be used to take squid.

Purse and round haul nets

In that portion of District 16 lying southerly of the Monterey breakwater and south of a line drawn from the light on the end of said breakwater magnetic east to the shore line, lampara nets may be used from June 1st to August 31st for the purpose of taking squid.

Lampara nets

SEC. 2. Section 958 of said code is amended to read:

958. It is unlawful to use or possess any trawl net to which is attached any bag or cod-end or modification thereof other than a single web cotton mesh bag or cod-end, except as follows:

Attachments to trawl nets unlawful:

Hog-ring type bags or cod-ends may be used or possessed; provided, that said hog-ring bags shall be constructed of Manila or hemp fiber rope not over three-eighths of an inch in diameter or of cotton fiber rope not over five-sixteenths of an inch in diameter, supported or tied together side by side with wire, hog-rings, or other devices to form mesh, which mesh measured when wet between the proximal wires, rings, or other devices shall be not less than six inches in length. Hog-ring bags shall not measure over 20 meshes in length or 100 meshes in circumference. With the exception of substituting the words "wire, hog-rings, or other devices" for the word "knots" in Section 848, the length of the mesh shall be determined according to Section 848.

Exception

Double bags or cod-ends may be used or possessed; provided, that such double bags are made of cotton web only of not over 120-thread construction and so hung and tied to each rib line that the knots of each layer shall coincide, knot for knot, for the full length of the double layer, and further provided, that the double section shall not measure over 20 meshes in length or over 100 meshes in circumference. The individual meshes in the double bag section shall measure not less than four and one-half inches in length.

Chafing gear may be used or possessed; provided, that such chafing gear shall cover not more than the last 120 meshes in length of the net and bag combined and shall cover not more than the bottom one-half of the circumference of the net and bag; and further provided, that such chafing gear shall not be fastened to the net or bag at the trailing edge.

Chafing gear

Rib lines limited

Not more than eight rib lines may be attached to any type bag or cod-end. No type of preservative may be used to treat bags that will impair the flexibility of the original material or restrict the aperture of the mesh. Except for mesh actually covering glass floats, no cotton web mesh that measures less than four and one-half inches in length may be possessed on any trawl boat.

CHAPTER 740

An act to add Section 1157 to the Health and Safety Code, relating to local public health administration.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 1157 is added to the Health and Safety Code, to read:

Local public health service

1157. In lieu of any other provisions of this chapter, upon request of the board of supervisors of any county of less than 40,000 population and upon the appropriation for public health purposes by such county of a sum of not less than fifty-five cents ($0.55) per capita for the total county population, the State Department of Public Health may organize and operate a local public health service in such county. The State Department of Public Health may conduct such local public health service either directly, or by contract with other agencies, or by some combination of these methods as may be agreed upon by the State Department of Public Health and the board of supervisors of the county concerned. The creation of a county board of public health or a similar local advisory group shall be at the discretion of the board of supervisors. The state financial assistance which is appropriated for public health services in counties which have not qualified or do not elect to qualify for such funds under other provisions of this chapter, is hereby made available to the State Department of Public Health for such purposes. Funds expended pursuant to this section shall be in accordance with law regarding expenditures of money appropriated out of the State Treasury, including those in the Budget Act and any applicable provisions of the Government Code.

CHAPTER 741

An act to amend Section 28143 of the Government Code, relating to compensation for public service in counties of the forty-third class.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 28143 of the Government Code is amended to read:

28143. In a county of the forty-third class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Glenn County: Salaries

(a) The auditor, four thousand eight hundred dollars ($4,800) a year. Auditor

(b) The district attorney, five thousand dollars ($5,000) a year. District attorney

(c) Each supervisor, two hundred twenty-five dollars ($225) a month and mileage at the rate of twenty cents ($0 20) for each mile actually traveled in the discharge of his duties as supervisor, not to exceed six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county. Supervisors

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, to be allowed but once during each session the jurors are required to attend. Jurors

The compensation provided by this section shall be payable to incumbent officers. Incumbents

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 742

An act to add Section 803.1 to the Fish and Game Code, relating to razor clams, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.] In effect immediately

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

SECTION 1. Section 803.1 is added to the Fish and Game Code, to read:

803.1. From the effective date of this section to December 31, 1953, inclusive, no razor clams (Siliqua patula) may be taken from Little River Beach in Humboldt County, situate between the mouth of the Mad River and Moonstone Beach. Taking razor clams prohibited

During the calendar year commencing on January 1, 1954, and in each succeeding even-numbered year thereafter, no razor clams (Siliqua patula) may be taken from that portion of Little River Beach situate between the mouth of the Mad River and the mouth of Strawberry Creek.

During the calendar year commencing on January 1, 1955, and in each succeeding odd-numbered year thereafter, no razor

clams (Siliqua patula) may be taken from that portion of Little River Beach situate between the mouth of Strawberry Creek and Moonstone Beach.

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 existing provisions of law, razor clams are being removed from Little River Beach in Humboldt County at a rate greatly in excess of the rate of replenishment. In order to prevent the complete disappearance of this valuable species of clam from the area affected, it is necessary that the taking of clams from the area be immediately curtailed.

CHAPTER 743

An act to amend Section 5549 of the Public Resources Code, relating to the powers and duties of the district manager of a regional park district.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 5549 of the Public Resources Code is amended to read:

District manager. Functions, duties, etc

5549. The district manager has the following administrative and executive functions, powers, and duties. He shall:

(a) See that the provisions of this article and all ordinances and regulations of the district are enforced.

(b) Exercise supervision and control over all departments and offices of the district.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and call any violations to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

With the approval of the board, the district manager may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration furnished to the district, in amounts not exceeding one thousand dollars ($1,000). All purchases shall be reported to the board of directors at its next regular meeting.

CHAPTER 744

An act to amend Section 30210 of the Streets and Highways Code, relating to the signatures on bonds issued by the California Toll Bridge Authority.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 30210 of the Streets and Highways Code is amended to read:

30210. All bonds shall be signed by the director and countersigned by the Governor. The signatures of the director and the Governor may be by facsimile, but said bonds shall be authenticated by such signatures as the bond resolution or indenture may require. All interest coupons shall bear the facsimile signature of the director. In case any officer whose signature or countersignature appears on the bonds or coupons ceases to hold his office before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless valid and sufficient for all purposes the same as if he had remained in office until the delivery of the bonds.

Signatures on bonds

CHAPTER 745

An act to amend Section 2900 of the Penal Code, relating to confinement of persons convicted of felonies.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2900 of the Penal Cole is amended to read:

2900. The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant into the custody of the Director of Corrections at the place designated by the Director of Corrections as a place for the reception of persons convicted of felonies, and if thereafter, during such term, the defendant by any legal means is temporarily released from such imprisonment and subsequently returned thereto, the time during which he was at large must not be computed as part of such term; provided, however, that as an emergency measure, the Director of Corrections may direct that persons convicted of felonies may be received and detained in jails or other facilities and that the judgment will commence to run upon the actual delivery of the defendant into such place and that any persons previously received and confined for conviction of a felony may be, as an emergency, temporarily housed

Imprisonment term Commencement

Emergency

at such place and the time during which such person is there shall be computed as a part of the term of judgment.

The Department of Corrections may contract for the use of any facility of the State, or political subdivision thereof, to care for such persons received in accordance with this section.

CHAPTER 746

An act to amend Section 212 of the Health and Safety Code, relating to the powers and duties of the State Department of Public Health, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 212 of the Health and Safety Code is amended to read:

Minimum standards Safety and sanitation

212. Notwithstanding the provisions of Section 1415 of this code, the state department shall prescribe, promulgate and enforce minimum standards of safety and sanitation in the physical plant, and of diagnostic, therapeutic and laboratory facilities for public medical institutions, other than federal medical institutions, University of California hospitals and clinics, and other than institutions for tuberculosis or mental disease, and all of such public medical institutions shall be subject to the provisions of Chapter 2 of Division 2 of the Health and Safety Code.

Operative period

This section shall be operative only during such times as the Federal Social Security Act and the rules of the Federal Security Agency promulgated thereunder require that such standards shall be established and maintained in order for this State to receive reimbursement from the Federal Government for public assistance payments made to or in behalf of patients in public medical institutions.

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 order for the State to receive federal grants-in-aid for the old age assistance and aid to the blind programs, it is necessary that the state plan for these programs be approved by the Federal Security Administrator. The Federal Social Security Act sets forth certain conditions which state plans must meet in order to obtain the approval of the administrator. Section 2 (10) of Title I (relating to old age assistance) and Section 1002 (12) of Title X (relating to aid to the blind), of the Federal Social Security Act require that state plans for

those programs must, effective July 1, 1953, provide, if the plan includes payments to individuals in private or public institutions, for the establishment or designation of a state authority or authorities which shall be responsible for establishing and maintaining standards for such institutions; the amendment to Section 212 of the Health and Safety Code is designed to meet this federal requirement, and an effective date of July 1, 1953, or earlier, is necessary in order that this State may continue to receive federal grants-in-aid for these programs.

CHAPTER 747

An act to amend Section 6358 of the Education Code, relating to school district taxes.

[Approved by Governor May 18, 1953 Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6358 of the Education Code is amended to read:

Maximum tax rate Increase and decrease

6358. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be called by the governing board of the school district of its own motion and shall be called within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the qualified electors of the district, requesting that an election be called, unless the petitioners request that the election be consolidated with the annual election for members of the governing board.

Limitation

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 6357. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Election

The governing board of the school district shall call, hold, and conduct the election. Except as provided in this section, the election shall be called, held, and conducted by the governing board of the school district in as nearly the same manner as is practicable as are elections for governing boards In addition to any other notice required by law, if there is no newspaper of general circulation published in the district, notice of the election shall be published once a week for three weeks in the newspaper closest to the district that has circulation in the

Notice

Ballot

district. Notices of the election shall be posted or publication completed at least 30 days before the election. The ballot used in the election shall contain substantially the words "shall the proposed (increase decrease) in the maximum tax rates from _____ to _____, (such rate to be in effect in the _____ school district for the year (or years) 19__ to 19___,) be authorized?" Opposite such words, in separate lines, the words "yes" and "no" shall be printed, with a voting square opposite each such word. Each voter shall stamp or print a cross in the voting square after the answer he desires to give. If the maximum tax rate of a district has been increased prior to the effective date of the amendment to this section at the 1951 Regular Session of the Legislature, a petition requesting an election for the decrease of such increased tax rate shall not be filed until three years after such effective date. If the maximum tax rate is increased pursuant to this section after such effective date, no petition requesting an election for a decrease in such increased tax rate shall be filed for one year after such election at which the tax rate was increased.

Effective date of decrease

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

CHAPTER 748

An act to amend Section 4311 of the Education Code, relating to the annexation of high school districts.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 4311 of the Education Code is amended to read:

Annexation of high school district

4311. Whenever a principal of a junior college in any junior college district presents to the governing board of the junior college district a statement made under oath that the average daily attendance in the junior college, of pupils whose parents reside in a high school district not maintaining a junior college and which is contiguous to the junior college district, was an average of three or more for the two school years next preceding, setting forth the names of the pupils, the governing board of the junior college district may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction

over the high school district, to annex the high school district to the junior college district.

Where a junior college was maintained by a high school district which has been formed as a junior college district or portion thereof, the governing board of the junior college district so formed may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over another high school district, to annex such other high school district if it does not maintain its owr junior college and if it is contiguous to the junior college district and the principal of the junior college presents to the governing board of the junior college district a statement, made under oath, that the average daily attendance in the junior college of pupils whose parents reside in such other high school district was three or more for the two school years next preceding, setting forth the names of the pupils.

CHAPTER 749

An act to amend Section 1080 of, to add Sections 1080.1, 1080.2, 1080.5, 1080.6, and 1080.9 to, and to repeal Sections 1066.5, 1066.6, and 1066.7 of, the Agricultural Code, relating to pesticides and injurious pest control materials.

[Approved by Governor May 18, 1953 Filed with Secretary of State May 19, 1953]

In effect September 9, 1953

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

SECTION 1. Section 1080 of the Agricultural Code is amended to read:

Use of injurious pesticides regulated

1080. The director after investigation and hearing shall adopt rules and regulations governing the application, in pest control or other agricultural operations, of any materials which he finds and determines to be injurious to persons, animals, or crops, other than the pest or vegetation which it is intended to destroy.

Such rules and regulations shall prescribe the time when and the conditions under which such materials may be used in different areas of the State, and may provide that such materials shall be used only under permit of the commissioner, or under his direct supervision, in certain areas, or under certain conditions, or when used in excess of certain quantities or concentrations.

Hearings

Hearings prior to the adoption of rules and regulations under this section shall be held in Sacramento and Los Angeles.

It is unlawful for any person to apply any injurious material for which rules and regulations have been adopted except as provided in such rules and regulations. Nothing in this section shall be construed to operate to relieve any person from liability for any damage to the person or property of another caused by the use of such injurious material.

Exemptions

Notwithstanding anything in this section or article contained, the provisions thereof shall not apply to agencies of the United States or of the State of California, or to the officers, agents or employees of either acting within the scope of their authority, while engaged in or conducting or supervising research on any such materials.

Expiration date

The foregoing provisions of this section shall be in force and effect until ninety-one (91) days after the termination of the 1957 Session of the State Legislature.

SEC. 2. Section 1080.1 is added to said code, to read:

Use of herbicides regulated

1080.1. It is unlawful to use any form of 2,4-dichlorophenoxyacetic acid (2,4-D) or other herbicide which the director finds and determines, after hearing, to be injurious to crops, except as provided in this section and the rules and regulations of the director.

The director after investigation and hearing shall adopt rules and regulations governing the use of 2,4-D and other herbicides which he finds and determines to be injurious to crops that are being grown in any area of the State. Such rules and regulations may prescribe the time when and the conditions under which such herbicides may be used in different areas of the State, and may provide that such herbicides shall be used only under permit of the commissioner, or under his direct supervision, in certain areas, or under certain conditions, or in excess of certain quantities or concentrations.

Nothing in this section shall be construed to operate to relieve any person from liability for any damage to the property of another caused by the use of the herbicides named in the rules and regulations of the director.

SEC. 3. Section 1080.2 is added to said code, to read:

Permits conditional

1080.2. Every permit issued under the provisions of rules and regulations adopted in accordance with this article is conditioned upon compliance with such rules and regulations and upon such other specified conditions as may be deemed necessary to avoid injury. Any permit may be refused, revoked or suspended for violation of any of the conditions of the permit, or of a previous permit, or for violation of any provision of this article or of rules and regulations issued hereunder.

Hearing upon revocation, etc., of permit

Any interested person upon request shall be entitled to a hearing before the director to review the action of a commissioner in issuing, refusing, revoking, or suspending a permit, or in imposing any condition not expressly specified in the rules and regulations applicable thereto. The proceedings for such hearing shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, except that the provisions of Sections 11505 and 11506 thereof shall not apply, and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of said code.

SEC. 4. Section 1080.5 is added to said code, to read:

"Thallium"

1080.5. As used in this section "thallium" includes any preparation of thallium or of the salts thereof.

It is unlawful for any person to sell, use or possess thallium except that:

Use, etc., of thallium unlawful: Exceptions

(a) Federal, state, county, or municipal officers or employees, in their official capacities, or persons under the immediate supervision of such officers or employees, may possess thallium for use for pest control purposes.

(b) Licensed physicians, surgeons, pharmacists, or veterinaries may possess thallium for use in their respective professions.

(c) Metallurgists and manufacturers of alloys of which thallium is a component part may possess thallium for laboratory use or manufacture of alloys.

(d) Persons operating research or chemical laboratories may possess thallium for use for the purposes of such laboratories.

(e) Registered manufacturers of ant poison may manufacture and sell, and dealers in ant poison may possess for sale and sell, ant poison containing not more than 1 percent of thallium, expressed as metallic, prepared, packaged, and sold in accordance with such rules and regulations as the director may deem necessary to protect the public health.

(f) Wholesalers or jobbers of economic poisons may possess for sale or sell thallium to any person included within the above classifications, or for export.

SEC. 5. Section 1080.6 is added to said code, to read:

Use, etc., of "Compound 1080" unlawful: Exceptions

1080.6. It is unlawful for any person to sell, use or possess any sodium fluoroacetate, also known as "Compound 1080," or any preparation thereof, except that, subject to rules and regulations of the director:

(a) Federal, state, county, or municipal officers or employees, in their official capacities, or persons under the immediate supervision of such officers or employees, may possess said compound for use for pest control purposes.

(b) Research or chemical laboratories may possess said compound for use for the purposes of such laboratories.

(c) Persons duly licensed as structural pest control operators under the provisions of Chapter 14, Division 3, Business and Professions Code, may possess said compound for use in their business.

(d) Wholesalers or jobbers of economic poisons may possess for sale and sell said compound to any person included within the above classifications, or for export.

SEC. 6. Section 1080.9 is added to said code, to read:

Enforcement

1080.9. The director, and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this article and the rules and regulations issued hereunder.

Repeals

SEC. 7. Sections 1066.5, 1066.6, and 1066.7 of said code are hereby repealed.

CHAPTER 750

An act to amend Section 32002.1 of the Health and Safety Code, to repeal Section 32002.2 of said code, and to add Section 32002.4 to said code, relating to hospital districts and elections therein.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 32002.1 of the Health and Safety Code is amended to read:

Election procedure established

32002.1. Not less than 30 days prior to the time of any district election, the governing body of the district shall, by resolution entered on its minutes:

(a) State the time of the election, the hours during which the polls will be open, and the purpose for which the election is held.

(b) Prescribe the manner of voting and the form of ballot to be used.

(c) Designate a polling place for each precinct and appoint for each precinct an election board consisting of at least one inspector, one judge and two clerks, selected from the electors of the district.

(d) Order the secretary to mail notice of appointment to each election officer, and notice of polling place and sample ballot to each qualified elector of the district.

Repeal

SEC. 2. Section 32002.2 of said code is repealed.

SEC. 3. Section 32002.4 is added to said code, to read:

Notice of election

32002.4. No notice of the election, other than the notice prescribed in Section 32002.3, need be given and Section 58171 of the Government Code shall not apply to hospital district elections.

CHAPTER 751

An act to amend Sections 14401 and 14402 of the Health and Safety Code, relating to county fire protection districts.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 14401 of the Health and Safety Code is amended to read:

Inclusion of city

14401. Any city of the sixth class, or any portion thereof, adjacent to a fire protection district may be embraced and included in a district for fire protection purposes upon adoption of an ordinance by the governing body of the city declaring its intention and desire that the city or any designated portion thereof be embraced and included within the district, and the filing of a certified copy of the ordinance with the Secretary

of State and with the board of supervisors of the county within which the district is located; provided, however, that no portion of such a city shall be annexed to a county fire protection district without the approval of the governing body of the district. District consent

SEC. 2. Section 14402 of said code is amended to read:

14402. From and after such filings the city, or any portion thereof, is a part of the district.

CHAPTER 752

An act to amend Sections 785 and 830.3 of the Agricultural Code, relating to fruit, nut, and vegetable standards.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.] In effect September 9, 1953

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

SECTION 1. Section 785 of the Agricultural Code is amended to read:

785. Any lot of fruits, nuts or vegetables, including the containers thereof, which is not in compliance in all respects with the provisions of this chapter and rules and regulations issued hereunder, is hereby declared to be a public nuisance. Any enforcing officer, if he has reason to believe that any such lot is not in compliance as aforesaid, may hold such lot pending proceedings to condemn and abate such nuisance, as herein provided. Public nuisance

The officer may affix to any lot so held a tag or notice warning that the lot is held and stating the reasons therefor. It is unlawful for any person other than an authorized enforcing officer to detach, alter, deface or destroy any such tag or notice affixed to any such lot, or to remove or dispose of such lot in any manner or under conditions other than as prescribed in such tag or notice, except upon written permission of an authorized enforcing officer or by order of court. Affixing of tag or notice

The officer by whom any such lot is held shall cause notice of noncompliance to be served upon the person in possession of said lot, upon the owner if known, and upon any other person known to the officer to claim an interest therein. Such notice may be served personally or by registered mail addressed to the person to be served at his last known address. Service of notice

The notice of noncompliance shall include a description of the lot, the place where and the reasons for which it is held, and shall give notice that said lot is a public nuisance and subject to disposal as provided in this section, unless within a specified time said lot shall have been reconditioned or the deficiency otherwise corrected so as to bring said lot into compliance, or written consent shall have been given by the persons so served to destroy or otherwise dispose of said lot. The enforcing officer, with the written consent of all such persons so Abatement

served, is hereby authorized to destroy such lot or otherwise to abate the nuisance. If any such person fails or refuses to give such consent, and the lot has not been reconditioned or the deficiency otherwise corrected so as to bring said lot into compliance within the time specified in the notice, then the enforcing officer shall proceed as provided hereinafter.

Perishables

If the lot so held is perishable or subject to rapid deterioration, the enforcing officer may file a verified petition in any superior or inferior court of this State to destroy such lot or otherwise abate the nuisance. The petition shall show the condition of the lot, that the lot is situated within the county, that the lot is held, and that notice of noncompliance has been served as herein provided. The court may thereupon order that such lot be forthwith destroyed or the nuisance otherwise abated as set forth in said order.

Nonperishables

If the lot so held is not perishable nor subject to rapid deterioration, the enforcing officer shall immediately report the condition of said lot to the director. Within five (5) days from the receipt of such report, the director may file a petition in the superior court in the county where the lot is situated for an order to show cause, returnable in five (5) days, why the lot should not be abated. The owner or person in possession on his own motion within five (5) days from the expiration of the time specified in the notice of noncompliance may file a petition in said court for an order to show cause, returnable in five (5) days, why said lot should not be released to petitioner and any warning tags previously affixed removed therefrom. Final determination by said court in either case shall be within a period of not to exceed twenty (20) days from the date said petition was filed.

Judgment

The court may enter judgment ordering that said lot be condemned and destroyed in the manner directed by the court or relabeled, or denatured or otherwise processed, or sold or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. In the event of sale by order of court, the costs of storage, handling and reconditioning or disposal shall be deducted from the proceeds of sale and the balance, if any, paid into court for the owner.

SEC. 2. Section 830.3 of the Agricultural Code is amended to read:

Permit

830.3. Any commissioner may issue to any person residing in his county or maintaining a principal place of business therein a permit to transport or deliver fruits, nuts, or vegetables exempt from the standards established in this chapter, for any one or more of the purposes set forth in Section 830; but no permit shall be issued for the purpose set forth in subparagraph (a) of Section 830 unless and until the commissioner has found and determined that the packing plant from which the fruits, nuts, or vegetables are to be transported or delivered has not proper and adequate facilities for processing, grading, packing, or reconditioning the particular lot of fruits, nuts, or vegetables, and that the packing plant to which the fruits, nuts,

or vegetables are to be transported has such facilities. Such permits may be issued for a period not exceeding 12 months.

No permit issued hereunder shall be valid except in the county where issued unless the permit, or a rider securely attached thereto, carries the endorsement of the commissioner of the county (1) to which the fruits, nuts, or vegetables are to be transported or delivered and (2) from which such products are to be transported or delivered.

Any commissioner may refuse to issue or to endorse a permit if in his judgment the permittee does not have available proper and adequate facilities with which to pack, process or otherwise dispose of such commodities in accordance with the provisions of this chapter and the terms of the permit. A permittee shall, upon request of any commissioner, furnish such affidavits, receipts and other evidence as such commissioner reasonably may require as proof that the commodities have been disposed of in accordance with the provisions of this chapter and the terms of the permit.

Revocation, suspension, etc., of permit

Any commissioner, after notice and hearing, may revoke or suspend any permit or endorsement issued by him, and shall refuse to issue or to endorse any permit, if the facts established at such hearing reveal that the permittee or applicant has violated any of the provisions of this chapter or the terms of any permit issued hereunder, or has failed or refused to furnish the evidence required by the commissioner as hereinabove provided.

Jurisdiction

Notice of hearing when mailed to the permittee or applicant at the address given in his application shall give the commissioner jurisdiction to act in the matter.

CHAPTER 753

An act to amend Section 164 of the Vehicle Code, relating to renewal of registration of motor vehicles.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 164 of the Vehicle Code is amended to read:

Renewal of registration

164. Department to Renew Registration. The department, upon renewing a registration, shall issue a new registration card and license plate or plates to the owner as upon an original registration. In lieu of issuing a new registration card the department may endorse or authorize the endorsement of a receipt or validation upon payment of the required fees, such receipt or validation to be stamped upon the registration card last issued for such vehicle during the preceding registration year, or upon a potential registration card issued near the close

of the preceding year, which registration card so endorsed or validated shall constitute the registration card for the ensuing registration year, and the department may, in place of issuing a new license plate or plates for the ensuing year, issue in lieu thereof a single tab indicating the year number for which issued, which tab shall be attached to the rear license plate issued for such vehicle for the last preceding calendar year in which license plates were issued, and, when so attached, said license plates with such tab shall for the purposes of this code be deemed to be the license plate or plates for the ensuing registration year.

Single tab

License plates

On January 1, 1951, the department shall issue license plates and thereafter issue license plates every fifth year, and during each intervening four-year period the department shall annually issue a tab as herein provided.

The department may authorize an endorsement of a receipt or the validation of a registration card or potential registration card as hereinbefore provided by a person or organization holding a certificate of authority issued under the provisions of Part 5 of Division 2 of the Insurance Code.

CHAPTER 754

An act to add Section 53061 to the Government Code, relating to retirement of firemen in cities, counties, or fire protection districts.

In effect September 9, 1953

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 53061 is added to the Government Code, to read:

Retirement contributions

53061. The legislative body of a city, county, or fire protection district may expend money for the payment of contributions to a retirement system authorized to do business in the State for retirement benefits to volunteer or paid firemen of the fire department. For the purposes of determining such contributions the compensation of such firemen shall be either the compensation actually paid or that provided by Section 4458 of the Labor Code, whichever is greater. The legislative body may by ordinance provide for the conditions of retirement and may contract with such retirement system as provided in the ordinance. The authority granted by this section shall not be construed as a limitation on any powers heretofore or hereafter granted to the legislative body of a city, county, or fire protection district to provide for the retirement of volunteer or paid firemen.

CHAPTER 755

An act to amend Section 4532 of the Penal Code, relating to the punishment of escapes from jail, industrial farm, road camp or custody of officer.

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4532 of the Penal Code is amended to read:

4532. Every prisoner charged with or convicted of a misdemeanor who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a misdemeanor; provided, however, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

Escape of misdemeanant

Misdemeanor

By force of violence Felony

Every prisoner charged with or convicted of a felony who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

Escape of felon

Felony

CHAPTER 756

An act to amend Sections 550 and 567 of the Military and Veterans Code, relating to the organization and maintenance of

the California National Guard Reserve at cadre strength during such time as may be necessary, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 18, 1953. Filed with Secretary of State May 19, 1953.]

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

SECTION 1. Section 550 of the Military and Veterans Code is amended to read:

Organization and maintenance of National Guard Reserve

550. Whenever any part of the National Guard of this State is in active federal service, or when Congress so consents thereto, the Governor is hereby authorized to organize and maintain within this State during such period, under such regulations as the Secretary of Defense of the United States may prescribe for discipline in training, such military forces as the Governor may deem necessary to defend and for the security of this State; provided, however, the Governor may authorize the organization and maintenance of such forces at cadre strength at any time. Such forces shall be composed of officers commissioned or assigned, and such qualified citizens or aliens who have declared their intentions to become citizens as shall volunteer for service therein, supplemented, if necessary, by members of the unorganized militia enrolled by draft or otherwise as provided by law. Such forces shall be additional to and distinct from the National Guard and shall be known as the California National Guard Reserve. Such forces shall be uniformed under such conditions and subject to such regulations as the Governor may prescribe.

SEC. 2. Section 567 of said code is amended to read:

Effective date

567. This chapter shall take effect on the day following the day on which the National Guard or any part thereof is in federal service or on the day following the day on which Congress consents to the organization and maintenance of said forces, whichever event first occurs shall be the effective date hereof, and shall be effective forthwith upon approval by the Governor with respect to the authority granted in this act to the Governor to organize and maintain said forces at cadre strength at any time.

Urgency

SEC. 3. 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 Reserve is an important and integral part of the defense preparations of the State. The international situation requires immediate changes in administrative organization and procedures which control, and in the status and employment of the California National Guard Reserve. It is imperative that during the present emergency adequate provisions be immediately made concerning the use and operation of the state military forces.

CHAPTER 757

An act to amend Section 479 of the Agricultural Code, relating to the labeling of market milk.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 479 of the Agricultural Code is amended to read:

479. The class or grade of all market milk sold, except in bulk to distributors, the word "raw" or "pasteurized," as the case may be, and the name and address of the distributor or original bottler shall at all times appear plainly and in a conspicuous place on, or be securely attached to, every cap, bottle, can or other container. If the name and address of the distributor is used, the milk products plant license number of the original bottler as assigned annually by the director, may be used in lieu of the name and address of the original bottler

Labeling of market milk

Ungraded market milk shall be labeled with the words "market milk." Graded market milk shall be labeled with the name of the grade. All labels required by this section shall be in capital letters not less than one-eighth inch in height and one-sixteenth inch in width.

Label size

CHAPTER 758

An act to amend Section 1012 of the Fish and Game Code, relating to licenses.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1012 of the Fish and Game Code is amended to read:

1012. The annual fees for licenses provided for in this article are as follows: (a) To any person engaged in canning fish, except frozen or cold-pack crustaceans, or manufacturing fish scraps, fish meal, fish oil, chicken feed, fertilizer or other products from fish or fish offal, seventy-five dollars ($75); (b) to any person preserving fish by the common methods of freezing, cold-packing, drying, salting, pickling or smoking, or dealing by wholesale in fish taken from the waters of this State or brought into this State in a fresh condition, twenty-five dollars ($25).

License fees

It is further provided that any person operating as prescribed in both (a) and (b) requires only the license designated in (a).

The amendment to this section shall become effective with the issuance of such licenses for the 1954-55 fishing season.

Effective date

CHAPTER 759

An act to amend Section 28131 of the Government Code, relating to salaries of officers of counties of the thirty-first class.

In effect September 9, 1953

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 28131 of the Government Code is amended to read:

Siskiyou County Salaries

28131. In a county of the thirty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

Auditor

(a) The auditor, five thousand seven hundred dollars ($5,700) a year.

District attorney

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

Supervisors

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, for all services rendered as supervisor and as member of the board of equalization, and eight cents ($0.08) for each mile traveled on county business, not to exceed one thousand two hundred dollars ($1,200) in any one year, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

Trial jurors

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and thirty-five cents ($0.35) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session that jurors are required to attend.

Grand jurors

Each member of the grand jury shall be allowed six dollars ($6) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of eight cents ($0.08) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

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 760

An act to amend Sections 10561, 10562, 10562.5 and 10562.6 of the Business and Professions Code, relating to mineral, gas, and oil licensees.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 10561 of the Business and Professions Code is amended to read:

Suspension, revocation of mineral, gas, and oil licenses

10561. The commissioner may, upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a mineral, oil and gas licensee, within this State, and he may temporarily suspend or permanently revoke a mineral, oil and gas license at any time if the licensee, while a mineral, oil and gas licensee, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of any of the following:

Grounds

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through mineral, oil and gas brokers or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling with his own money or property the money or property of others which is received and held by him.

(f) The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange mineral, oil or gas property for compensation, or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission, or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission, except when

such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 2. Section 10562 of said code is amended to read:

Same

10562. The commissioner may suspend or revoke the license of any mineral, oil and gas licensee, who has done any of the following:

(a) Procured a mineral, oil and gas license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a mineral, oil and gas license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly, authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any mineral, oil or gas property offered for sale.

(d) Wilfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a mineral, oil and gas license.

SEC. 3. Section 10562.5 of said code is amended to read:

10562.5. When a final judgment is obtained in a civil action against any mineral, oil and gas licensee upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required under this division, the commissioner may, after hearing in accordance with the provisions of this part relating to hearings, suspend or revoke the license of such mineral, oil and gas licensee.

SEC. 4. Section 10562.6 of said code is amended to read:

10562.6. The commissioner may revoke or suspend the license of a mineral, oil and gas licensee committed or adjudged insane, mentally ill, or incompetent under the provisions of Division 6 of the Welfare and Institutions Code or Division 4 of the Probate Code or by any federal court of competent jurisdiction, at any time until a subsequent adjudication of competence or restoration to capacity.

CHAPTER 761

An act to amend Sections 10301, 10302, 10302.5 and 10302.6 of the Business and Professions Code, relating to real estate regulations.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 10301 of the Business and Professions Code is amended to read:

Suspension, revocation of business opportunity license.

10301. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a business opportunity licensee, within this State, and he may temporarily suspend or permanently revoke a business opportunity license at any time if the licensee, while a business opportunity licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

Grounds

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through business opportunity agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling with his own money or property the money or property of others which is received and held by him.

(f) The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange a business, business opportunity, or interest therein, or the good will of an existing business, for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange a business,

business opportunity, or interest therein, for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(j) Obtaining the signature of a prospective purchaser to an agreement which provides that such prospective purchaser shall either transact the purchasing, leasing, renting or exchanging of property through the broker obtaining such signature or pay a compensation to such broker if such property is purchased, leased, rented or exchanged, without the broker first having obtained the written or oral authorization of the owner of the property concerned to offer such property for sale, lease, exchange or rent.

SEC. 2. Section 10302 of said code is amended to read:

Same

10302. The commissioner may suspend or revoke the license of any business opportunity licensee, who has done any of the following:

(a) Procured a business opportunity license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a business opportunity license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any business opportunity offered for sale

(d) Wilfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a business opportunity license.

SEC. 3. Section 10302.5 of said code is amended to read:

Same

10302.5. When a final judgment is obtained in a civil action against any business opportunity licensee upon grounds of

fraud, misrepresentation, or deceit with reference to any transaction for which a license is required under this division, the commissioner may, after hearing in accordance with the provisions of this part relating to hearings, suspend or revoke the license of such business opportunity licensee.

SEC. 4. Section 10302.6 of said code is amended to read:

10302.6. The commissioner may revoke or suspend the license of a business opportunity licensee committed or adjudged insane, mentally ill, or incompetent under the provisions of Division 6 of the Welfare and Institutions Code or Division 4 of the Probate Code or by any federal court of competent jurisdiction, at any time until a subsequent adjudication of competence or restoration to capacity.

CHAPTER 762

An act to amend Sections 10176, 10177, 10177.5 and 10177.6 of, and to add Section 10101 to, the Business and Professions Code, relating to procedure for revoking, suspending or denying a real estate license.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 10101 is added to the Business and Professions Code, to read:

Filing of accusation. Time

10101. The accusation provided for by Section 11503 of the Government Code shall be filed not later than three years from the occurrence of the grounds for revocation or suspension with which the respondent is charged.

SEC. 2. Section 10176 of said code is hereby amended to read:

Suspension revocation of real estate license

10176. The commissioner may, upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this State, and he may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

Grounds

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling with his own money or property the money or other property of others which is received and held by him.

(f) The practice of claiming, demanding, or receiving a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange real estate for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange real estate for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 3. Section 10177 of said code is amended to read:

Same

10177. The commissioner may suspend or revoke the license of any real estate licensee, who has done any of the following:

(a) Procured a real estate license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision (as defined in Chapter 1 of Part 2 of this division) offered for sale.

(d) Wilfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Wilfully used the term "realtor" without legal right so to do.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

SEC. 4. Section 10177.5 of said code is amended to read:

10177.5. When a final judgment is obtained in a civil action against any real estate licensee upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required under this division, the commissioner may, after hearing in accordance with the provisions of this part relating to hearings, suspend or revoke the license of such real estate licensee. Same

SEC. 5. Section 10177.6 of said code is amended to read:

10177.6. The commissioner may revoke or suspend the license of a real estate licensee committed or adjudged insane, mentally ill, or incompetent under the provisions of Division 6 of the Welfare and Institutions Code or Division 4 of the Probate Code or by any federal court of competent jurisdiction, at any time until a subsequent adjudication of competence or restoration to capacity.

CHAPTER 763

An act to amend Section 464 of the Agricultural Code, relating to the serving of market milk.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 464 of the Agricultural Code is amended to read:

464. When served by any school, hospital, hotel, boarding house, restaurant, soda fountain, lunch counter or other places where food or drink is served to the public, market milk shall be served in the individual service bottle or container which has been filled and capped or sealed in a milk room, properly designed and equipped as approved by the director, the cap or seal of which shall not be removed except in the presence of the consumer or patron. This section does not apply to market cream. This section does not prohibit the serving of homogenized market milk from a milk dispensing device which has been approved for such use by the director in accordance with Section 461. This section does not apply to any fraternity, sorority, dormitory or eating club, the existence of which is authorized or approved by the board of trustees or other governing agency of a college or university. Serving of market milk Exemptions

CHAPTER 764

An act to add Article 3.5, comprising Sections 20180 to 20182, inclusive, to Chapter 1 of Part 3 of Division 5 of Title 2 of the Government Code, relating to the State Employees' Retirement System in respect to the correction of errors and omissions.

In effect September 9, 1953

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Article 3.5 is added to Chapter 1 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 3.5. Correction of Errors and Omissions

Failure to perform

20180. Whenever, during the employment of any employee by the State, the University, or any contracting agency, or during the membership of a member in this system, or during the time this system remains under any obligation to or in respect to a retired member or his beneficiary, the board finds that, because of inadvertence, oversight, mistake of fact, mistake of law, or other cause, any action required by this part to be taken or performed by an employee, his public employer, a member or beneficiary, or this system was not taken or performed at the time it should have been taken or performed, the board shall take or perform such action, or shall order it to be taken or performed by the person whose duty it was to perform it. If, in any such case, the board finds that (1) the facts and circumstances are such that by adjustments pursuant to Section 20165, payments into or from the retirement fund, and correction of the books, accounts, and records of this system, or any of them, the action can be taken or performed as of the date it should have been taken or performed, and the status, rights, and obligations of the employee or member, his public employer, and this system can be made the same that they would have been if the action had been taken or performed at the proper time, and (2) that the purposes of this part will be effectuated if the action is taken or performed as of the date it should have been taken or performed, the board shall take or perform it as of that time, or order it to be taken or performed as of that time, and shall cause the books, accounts, and records of this system to be corrected accordingly, so as to make the status, rights, and obligations of the employee or member, his public employer, and this system the same in every respect that they would be if the action had been duly taken or performed at the proper time. If the board finds that (1) the facts and circumstances are such that the action cannot be taken or performed as of the date it should have been taken or performed, or that (2) if it is so taken or performed, the status, rights, and obligations of the employee or member, his public employer, and this system cannot be made the same that they would be if the action

Adjustment

Corrections

Time of performance

had been taken or performed at the proper time, or that (3) the purposes of this part will not be effectuated if the action is taken or performed as of the date it should have been taken or performed, the board shall take or perform the action, or order it to be taken or performed, as of the time the action is actually taken, and the status, rights, and obligations of the employee or member, his public employer, and this system shall be those which result from the action at the time it is actually taken.

Obligations to members

20181. The obligations of this system to its members continue throughout their respective memberships, and the obligations of this system to and in respect to retired members continue throughout the lives of the respective retired members, and thereafter until all obligations to their respective beneficiaries under optional settlements have been discharged. The obligations of the State and contracting agencies to this system in respect to members employed by them, respectively, continue throughout the memberships of the respective members, and the obligations of the State and contracting agencies to this system in respect to retired members formerly employed by them, respectively, continue until all of the obligations of this system in respect to those retired members, respectively, have been discharged. The obligations of any member to this system continue throughout his membership, and thereafter until all of the obligations of this system to or in respect to him have been discharged. For the purposes of payments into or out of the retirement fund for adjustment of errors or omissions, whether pursuant to Sections 20165, 20180, or 20527, or otherwise, the period of limitation of actions otherwise applicable shall not be deemed to commence or to have commenced to run until the error or omission has been discovered, as evidenced by the filing with this system of a claim or demand against this system or by the making of a claim or order for payment by this system against a member, or his beneficiary, a contracting agency, or the State. In all cases where errors or omissions have been discovered prior to the effective date of this section, adjustment by payment into or out of the retirement fund shall be made, or action therefor instituted, within one year after the effective date of this section.

Obligations of members

Adjustments

Overtime compensation

20182. Notwithstanding the provisions of Sections 20180 and 20181, all computations of retirement allowances or optional settlements in lieu thereof made in respect to persons whose retirements were effective prior to the effective date of this section, and based upon contributions made and compensation earnable in respect to overtime service credited in such computations, are hereby ratified, confirmed, and validated, and no adjustment shall be made, or right of recovery recognized, in respect to any contributions made in respect to such service taken into account in the computation of such allowances or optional settlements in lieu thereof.

CHAPTER 765

An act to amend Sections 6491, 6540, 6542, 6593, 6613, 6643, 6646, 6647, 6649, and 6651 of the Health and Safety Code, to add Section 6670.1 to said code, and to repeal Sections 6655 and 6670 of said code, relating to sanitary districts.

In effect September 9, 1953

[Approved by Governor May 19, 1953. Filed with Secretary of State May 19, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 6491 of the Health and Safety Code is amended to read:

Publication

6491. Unless otherwise provided by this part, orders not establishing a general regulation need not be published or posted, but shall be entered in the minutes and shall take effect upon adoption.

SEC. 2. Section 6540 of said code is amended to read:

Construction of sewers, etc

6540. The governing board may order the construction of sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and appurtenances and appurtenant work in the whole or any portion of any of the streets, highways, or public places either in or out of the district, or in property or in rights of way owned by the district, and acquire property, rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special assessment district; provided, that said district shall first obtain the consent to said work and the assumption of jurisdiction thereover from the legislative body having jurisdiction of the territory within which any of the proposed work is to be done; and provided further, that if any of the territory proposed to be assessed shall be outside the boundaries of the district, the consent of the legislative body having jurisdiction over such territory shall be obtained to the formation of the special assessment district.

Assessment district

SEC. 3. Section 6542 of said code is amended to read:

Definitions

6542. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

(a) "City council" and "council" mean board.

(b) "City" and "municipality" mean district.

(c) "Clerk" and "city clerk" mean secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean any person or official who has charge of and makes payment of the funds of the district

(g) "Right of way" means any parcel of land in, on, under or through which a right of way or easement has been granted to the district for the purpose of constructing and maintaining any of the works or improvements mentioned in Section 6540.

(h) "Health officer" means the health officer appointed by the legislative body having jurisdiction over all or any portion of the territory to be served by any of the works mentioned in Section 6540, except that as to cities which have consented to or contracted for health administration by the county health officer pursuant to Division 1, Part 2, Chapter 1, Articles 2 and 2A of the Health and Safety Code, it shall mean the county health officer

SEC. 4 Section 6593 of said code is amended to read:

Canvass of returns

6593. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within 24 hours after the closing of the polls.

On the seventh day after the election the board shall canvass the returns, and shall declare the results and the secretary shall deliver a certificate of election to each person elected.

SEC 5. Section 6613 of said code is amended to read:

6613 After the votes have been announced the ballots shall be sealed and delivered to the secretary or president of the board, which board shall on the seventh day after the election meet and canvass the returns and enter the results in its minutes

The entry is conclusive evidence of the fact and regularity of all prior proceedings and of the facts stated in the entry.

SEC. 6 Section 6643 of said code is amended to read:

Bonds

6643. The order calling the election may submit as one proposal the question of issuing bonds to make all of the outlays, or so many of them as may be selected, or the order may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

SEC. 7. Section 6646 of said code is amended to read:

Interest

6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding 6 percent per annum, payable semi-annually in like lawful money. The interest for the first year may be payable in one installment at the end of such year, or the interest for the period from the date of the bonds to a date not later than 30 days after the date the second installment of the first district taxes levied after the date of said bonds will become delinquent may be payable in one installment at the end of such period.

SEC. 8. Section 6647 of said code is amended to read:

Payment Callable prior to maturity

6647. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board, which need not be an anniversary of the date of the bond.

The board may provide that any bond issued by the district may be subject to call and retirement prior to maturity at such times and prices and upon such other terms as the board may

specify. If a bond is subject to call and retirement prior to maturity that fact shall be stated in the bond.

SEC. 9. Section 6649 of said code is amended to read:

Sale of bonds

6649. The bonds shall be sold by the board in such manner and in such quantities as may be determined by it in its discretion.

No bond may be sold for less than its face value.

Bids

Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board 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 board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

SEC. 10. Section 6651 of said code is amended to read:

Outstanding Bonds Maximum amounts

6651. The outstanding bonds of the district shall not at any one time exceed 15 percent of the assessed value of the real and personal property of the district. Within the meaning of this section the term "bonds" means only bonds payable from the proceeds of taxes levied upon taxable property in the district.

Repeal

SEC. 11. Section 6655 of said code is repealed.

Repeal

SEC. 12. Section 6670 of said code is repealed.

SEC. 13. Section 6670.1 is added to said code, to read:

Sewer bonds

6670.1. Bonds of the district for the purpose of providing funds for the construction of a larger main sewer or a different system shall be authorized and issued in the same manner as that provided in this part for other bonds of the district.

CHAPTER 766

An act to amend Section 4714 of, and to add Section 18154 to, the Education Code, relating to school district public works, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 19, 1953. Filed with Secretary of State May 20, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 4714 of the Education Code is amended to read:

Bonds Maximum amount

4714. Any unified school district maintaining a junior college may issue bonds not to exceed 15 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. Any unified school district not maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment

For the purposes of Chapters 1 6 and 19 of Division 3 only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district, a bonding capacity in the amount permitted by law for a high school district, and if the district maintains a junior college, a bonding capacity in the amount permitted by law for a junior college district Any unified district, if otherwise eligible, may receive an apportionment for elementary school purposes alone, for high school purposes alone, for junior college purposes alone, or for any combination of such purposes.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

SEC. 2. Section 18154 is added to said code, to read:

18154. The governing board of any school district may purchase property and construct and equip buildings in an area after the legal action has been taken that will result in annexation of the area to the school district, but before the annexation has become effective.

Purchases, construction, etc., in annexed territory

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

In order to facilitate the rapid construction of schools in areas where new schools are most urgently needed before the 1953 fall school term, it is necessary that this act take effect immediately.

CHAPTER 767

An act to amend Section 2842 of the Elections Code, relating to county central committees.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 20, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2842 of the Elections Code is amended to read:

County central committees in counties having 20 or more assembly districts

2842. Each county central committee in a county containing 20 or more assembly districts shall meet in the courthouse at its county seat on the second Tuesday in July following the presidential primary in June, 1948, and on the second Tuesday in

Meetings

July every two years thereafter, except that in any year in which a national political party shall have set the national convention of the party to include such date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified At such meeting such county central committee shall organize by selecting a chairman, a secretary and such other officers and committees as it deems necessary for carrying on the campaign of the party. Every other county central committee shall meet in the courthouse at its county seat, upon call which shall be given by the county clerk of said county and in quarters to be arranged or provided for by the county clerk of said county, on the second Tuesday in July following the direct primary, except that in any year in which a national political party shall have set the national convention of the party to include such date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified. At such meeting such county central committee shall organize by selecting a chairman, a secretary, and such other officers and committees as it deems necessary for carrying on the campaign of the party.

Organization

Other county central committees Meetings

Organization

CHAPTER 768

An act to amend Sections 902, 903, and 976 of the Fish and Game Code, relating to nets.

In effect September 9, 1953

[Approved by Governor May 19, 1953 Filed with Secretary of State May 20, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 902 of the Fish and Game Code is amended to read:

District 10 Drift trammel nets

902. In District 10, drift trammel nets may be used, the meshes of which are at least eight inches in length.

SEC. 2. Section 903 of said code is amended to read:

District 12B Use of nets

903. In District 12B, except those portions of said district lying in the Sacramento and San Joaquin Rivers and connected waters upstream from a line drawn from Stake Point to Simmons Point, thence northeasterly along the westerly shore of Chipps Island, thence easterly across Spoonbill Creek to Van Sickle Island, drift trammel nets may be used subject to the provisions of this chapter, and the following restrictions:

(a) The cork lines must not be submerged more than two fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length; and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any drift trammel net must be at least seven and one-half inches in length except that between February 15th and May 15th the meshes of such nets may be not less than five and one-half inches in length.

SEC. 3. Section 976 of said code is amended to read:

976. Traps not to exceed 12 inches in breadth, 12 inches in height, and 36 inches in greatest length with entrance at small end of funnels or fykes not to exceed three inches in circumference may be used in tidewaters of Districts $3\frac{1}{2}$, 4, $4\frac{1}{8}$, $4\frac{3}{4}$, and 21 to take mudsuckers and California killifish (Fundulus parvipinnis) only.

Districts $3\frac{1}{2}$, 4, $4\frac{1}{8}$, $4\frac{3}{4}$, and 21 Traps

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CHAPTER 769

An act to repeal Section 2 of Chapter 1042 of the Statutes of 1951, and to amend Section 951.1 of the Fish and Game Code, relating to nets.

[Approved by Governor May 19, 1953. Filed with Secretary of State May 20, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1042 of the Statutes of 1951 is repealed.

Repeal

SEC. 2. Section 951.1 of the Fish and Game Code is amended to read:

951.1. Trawl nets of such design as prescribed by the commission may be used or possessed to take shrimps or prawns under a revocable permit issued by the commission and under such rules and regulations as the commission shall prescribe. Sections 951.5, 953, 955.5, 956, and 957 of this code shall not apply to trawl nets used or possessed under permit issued pursuant to this section. It shall be unlawful to possess any fish other than shrimp or prawns on any boat operating under a permit as provided in this section.

Shrimps or prawns Trawl nets

CHAPTER 770

An act to amend Sections 2, 3, 4, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 41, 44, 45, 48, 50, 51, 52, 57, 64, 68, 69, and 74 of, to add Sections 1, 11, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 38 to, and to repeal Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, 8, 11, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, and 70 of, the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is repealed.

Repeal

SEC. 2. Section 1 is added to said act, to read:

Orange County Water District

Section 1. A district is hereby created to be known and designated as "Orange County Water District," located entirely within Orange County, California, including and comprising all of the land within the exterior boundaries of said district, which said boundaries are described as follows:

Boundaries

Beginning at the intersection of the boundary line between Los Angeles and Orange Counties, as officially established by the California Legislature in 1919, see Chapter 470 of the 1919 Statutes and Amendments to the codes, or Sections 3927 and 3938 of the Political Code as enacted in 1919, with the high-tide line of the Pacific Ocean; thence northerly along said boundary line the following courses and distances: north 33° 00′ 00″ east to Station 1. (Los Angeles-Orange County); thence north 57° 10′ 40″ east 8238.78 feet; thence north 2° 48′ 35″ west 2207.94 feet; thence north 16° 46′ 45″ west 1444.82 feet; thence north 27° 12′ 00″ west 2106.10 feet; thence north 31° 22′ 50″ west 1296.25 feet; thence north 27° 55′ 55″ east 8375.40 feet; thence north 11° 36′ 55″ east 2241.41 feet; thence north 39° 48′ 20″ east 5650.97 feet; thence north 59° 07′ 40″ east 3391.48 feet; thence north 0° 11′ 50″ west 4330.76 feet; thence north 44° 34′ 00″ east 1873 54 feet; thence north 0° 11′ 10″ west 3996.39 feet; thence north 89° 37′ 10″ east 1320 92 feet; thence north 0° 23′ 25″ west 1318.92 feet, thence north 89° 34′ 55″ east 1320.00 feet; thence north 0° 25′ 25″ west 1341.64 feet; thence north 89° 21′ 35″ east 1303.75 feet; thence north 0° 47′ 15″ west 1850 84 feet to the southeast corner of Section 32, Township 3 South, Range 11 West San Bernardino Base and Meridian; thence leaving said boundary easterly four miles along the township line to the southwest corner of Section 31, Township 3 South, Range 10 West S. B. B. & M.; thence northerly one-half mile to the west quarter section corner of said Section 31; thence following the boundary of the City of Fullerton, as said boundary line existed on March 6, 1953, westerly one-fourth mile to the southwest corner of the southeast quarter of the northeast quarter of Section 36, Township 3 South, Range 11 West S. B. B. & M.; thence northerly one-fourth mile to the northwest corner of the southeast quarter of the northeast quarter of said Section 36; thence westerly along the boundary line of the City of Fullerton to the southeast corner of the north half of the west two-thirds of the west half of the northeast quarter of said Section 36; thence northerly one-quarter mile to the northeast corner of the north half of the west two-thirds of the west half of the northeast quarter of said Section 36; thence following the boundary line of said City of Fullerton the following courses and distances; easterly to the northwest corner of Section 31, Township 3 South, Range 10 West S. B B. & M.; thence northerly one-half mile to the west quarter section corner of Section Thirty (30). Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; thence leaving said boundary line of the City of Fullerton, easterly five and

one-half (5½) miles along the east-west quarter section lines of Sections Thirty (30), Twenty-nine (29), Twenty-eight (28), Twenty-seven (27), Twenty-six (26) and Twenty-five (25) in Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; to the center of Section Twenty-five (25), Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; thence northerly along the boundary line of said City of Fullerton to the northwest corner of the south half of the southwest quarter of the northeast quarter of Section Twenty-four (24), Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; thence leaving said boundary line of the City of Fullerton east one-eighth mile to the southwest corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said Section Twenty-four (24); thence north three-eighths mile to the northwest corner of the east one-half of the northwest one-quarter of the northeast one-quarter, of said Section Twenty-four (24); thence east one-eighth mile to the northeast corner of the northwest one-quarter, of the northeast one-quarter, of said Section Twenty-four (24); thence south one-quarter mile to the northwest corner of the southeast one-quarter, of the northeast one-quarter, of said Section Twenty-four (24); thence east one-quarter mile to the southwest corner of Lot Five Tuffree's Subdivision, as recorded in Book 3, pages 1 and 2 of Miscellaneous Maps, Records of Orange County, California; thence north one-quarter mile to the northwest corner of Lot Four (4) of said Tuffree's Subdivision; thence east one-quarter mile to the northwest corner of Lot Three (3) of said Tuffree's Subdivision; thence southeasterly and northeasterly along the southerly line of that certain parcel of land described as Parcel 2 in deed recorded in Book 180, page 97 of Deeds, Records of Orange County, California, to a point in the north line of said Lot Three (3); lot lines of Tuffree's Subdivision being considered as in the center line of adjacent streets; thence east to the northeast corner of said Lot Three (3); thence northerly one-quarter mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of Section Eighteen (18), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian; thence east one-quarter mile to the northeast corner of said southwest one-quarter of the southeast one-quarter of said Section Eighteen (18); thence south one-quarter mile to the southeast corner of said southwest one-quarter of the southeast one-quarter; thence east one-eighth mile to the southwest corner of the east one-half of the southeast one-quarter of the southeast one-quarter, of said Section Eighteen (18); thence north one-quarter mile to the northwest corner of said east one-half; thence east one-eighth mile to the northeast corner of said east one-half; thence south one-eighth mile to the northwest corner of the south one-half, of the south one-half of the south one-half of fractional Section Seventeen (17), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian;

Same

thence east along the north line of the said south one-half of the south one-half of the south one-half of said fractional Section Seventeen to the west line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said west rancho line to the northwest corner of Block One (1) of Yorba Linda Tract as per map recorded in Book 5, pages 17 and 18 of Miscellaneous Maps, Records of Orange County, California; thence easterly along the northerly boundary of said Yorba Linda Tract to the northeast corner of Lot One (1) in Block Two (2) of said tract; thence southerly to the southeast corner of said Lot One (1) in Block Two (2); thence westerly to the southwest corner of said Lot One (1) in Block Two (2); thence southerly to the southeast corner of Lot Two (2) in Block Two (2) of said Yorba Linda Tract; thence westerly to the southwest corner of said Lot Two (2) in Block Two thence southerly to the northwest corner of Lot Three (3) of said Block Two (2); thence easterly to the northeast corner of said Lot Three (3) in Block Two (2); thence southerly along lot lines to the northwest corner of Lot Five (5) of said Block Two (2); thence easterly along the north line of said Lot Five (5) to the center line of Fifth Street, as shown on the map of Carlton recorded in Book 29, pages 9 and 10 of Miscellaneous Records of Los Angeles County, California; thence south along said center line of Fifth Street to the center line of Pacific Avenue as shown on said map of Carlton, thence east along said center line of Pacific Avenue to the center line of Fourth Street as shown on said map of Carlton; thence north along the said center line of Fourth Street to the center line of Orange Street as shown on said map of Carlton; thence east along the said center line of Orange Street to the west line of Second Street as shown on said map of Carlton; thence north along the said west line of Second Street to the center line of Walnut Street as shown on said map of Carlton; thence west along the said center line of Walnut Street to the center line of Third Street as shown on said map of Carlton; thence north along the said center line of Third Street to the center line of Chicago Avenue as shown on said map of Carlton; thence east along the said center line of Chicago Avenue to the center line of said Second Street; thence south along the said center line of Second Street to the said center line of Pacific Avenue; thence east along the said center line of Pacific Avenue to the west line of Block Six (6) of said Yorba Linda Tract; thence northerly, easterly, southerly, easterly, southerly, easterly, southerly, westerly, and southerly along the exterior boundary lines of said Yorba Linda Tract to the southeast corner of Lot Three (3) in Block Twenty-four (24) of said Yorba Linda Tract; thence west along the south line of said Lot Three (3) to the southwest corner of said Lot Three (3); thence southerly along the westerly line of Lot Four (4) of said Block Twenty-four (24) and its southwesterly extension to the northerly corner of Lot Five (5) in Block Thirty-four (34) of said Yorba Linda Tract; thence southerly along the

westerly line of said Lot Five (5) to its intersection with the center line of the Anaheim Ditch, of the Anaheim Union Water Company; thence easterly along center line of said ditch to corner number three of allotment of first class land to Wolf Kalisher and Henry Wartenberg in partition of Rancho Canon de Santa Ana being the southwest corner of that certain 1.26 acre parcel as described in deed recorded in Book 357, page 102 of Deeds, Records of Orange County, California; thence following the westerly, northerly and easterly line of said 1.26 acre parcel to a point in the north line of said allotment of first class land to Kalisher and Wartenberg in partition of Rancho Canon de Santa Ana; thence following said northerly line of said allotment to its intersection with southerly line of right of way of Atchison, Topeka, and Santa Fe Railway Company; thence following said southerly right of way line to its intersection with west line of the allotment of second class land to V. Yorba in partition of said Rancho Canon de Santa Ana; thence northerly, westerly and northerly along said allotment line to the center line of Anaheim Union Water Company's Canon Canal; thence easterly following center line of said Canon Canal to the east line of said allotment to V. Yorba; thence northerly along said east line of allotment to V. Yorba, to a point 2,800 feet northerly measured along said east line from its intersection with the center line of the Atchison, Topeka, and Santa Fe Railway Company's main track; thence easterly to a point in the east line of the allotment of second class land to W. McKee in partition of said Rancho Canon de Santa Ana, said point being 2,400 feet northerly measured along said east line of allotment to W. McKee, from its intersection with the center line of the Atchison, Topeka and Santa Fe Railway Company's main track; thence southerly along the said east line of allotment to W. McKee and its southerly extension to an intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the center line of said canal westerly to its intersection by the northerly extension of the east line of Tract 117 as per map recorded in Book 11, page 15 of Miscellaneous Maps, Records of Orange County, California; thence southerly 660 feet measured along the said easterly line to a point; thence southwesterly in a direct line to a point in the west line of Lot Twenty-two (22) of said Tract 117, said point being 500 feet southeasterly measured along said west line from the intersection of said west line of Lot Twenty-two (22) with the center line of the Santa Ana Valley Irrigation Company's main canal; thence northwesterly along said southwesterly line of Lot Twenty-two (22) to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly along said center line of canal to its intersection with the center line of the state highway known as the Santa Ana Canyon Road; thence southwesterly along center line of said highway to its intersection with the north line of Lot Twenty (20) of said Tract 117; thence along the northerly and easterly

Same

lines of Lots Twenty (20) and Nineteen (19) of said Tract 117, to the southeast corner of said Lot Nineteen (19); thence in a direct line to a point in the south line of said Tract 117, said point being 690 feet westerly measured along said south line from the southeast corner of said Tract 117 and also being in the north line of Section Six (6), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian; thence westerly along section line to the northwest corner of said Section Six (6); thence southerly along the west line of said Section Six (6), 1,446.14 feet; thence southwesterly in a direct line to the most easterly corner of that certain 2.50 acre parcel as described in deed recorded in Book 262, page 73 of Deeds, Records of Orange County, California; thence southwesterly and northwesterly following the boundary line of said 2.50 acre parcel to the most westerly corner thereof; thence north to the center line of the Santa Ana Valley Irrigation Company's main canal, thence westerly along said center line of canal to the northeast corner of that 22.78 acre parcel described in deed recorded in Book 220, page 220, of Deeds, Records of Orange County, California; thence southerly along the easterly line of said 22.78 acre parcel to the northeast corner of that certain 5.75 acre parcel described in deed recorded in Book 261, page 208 of Deeds, Records of Orange County, California; thence southerly to the north corner of that certain 1.298 acre parcel described in deed recorded in Book 486, page 205 of Deeds, Records of Orange County, California; thence southerly and westerly along the easterly and southerly boundaries of said 1.298 acre parcel to the southeast corner of said 5.75 acre parcel; thence westerly to the southeast corner of that certain 12.12 acre parcel as described in deed recorded in Book 261, page 206 of Deeds, Records of Orange County, California; thence westerly along the south line of said 12.12 acre parcel to the southeast corner of Domingues Estate as shown on map filed in Records of Survey Book 2, page 15, Records of Orange County, California; thence westerly along the south line of said Domingues Estate and south line of Tract 936 as per map recorded in Book 30, pages 1 and 2, Miscellaneous Maps, Records of Orange County, California, to the most southwesterly corner of Lot Seven (7) of said Tract 936; thence northerly and westerly along the westerly and southerly boundaries of said Lot Seven (7) to the most northerly corner of Lot Six (6) of said Tract 936; thence following the boundary of said Lot Six (6) southerly 113.94 feet, southwesterly 45.90 feet, southwesterly 242.05 feet to a corner in the easterly boundary of Lot Five (5) of said Tract 936; thence northwesterly in a direct line to a corner in the westerly boundary of said Lot Five (5), said corner being the northern terminus of a course in said westerly boundary of Lot Five (5) whose length is 1,623.87 feet; thence following the said westerly boundary of Lot Five (5), northwesterly 158.18 feet and northerly 494.72 feet to the northwest corner of said Lot Five (5); thence north to the center line of the

Santa Ana Valley Irrigation Company's main canal; thence westerly following the center line of said Santa Ana Valley Irrigation Company's main canal to its intersection with the northerly extension of the most northerly course on the easterly boundary of Tract 59 as per map recorded in Book 10, page 18 of Miscellaneous Maps, Records of Orange County, California; thence southerly following the said northerly extension of said easterly boundary and the easterly and southerly boundary lines of said Tract 59 to the most southwesterly corner thereof; thence along the southerly boundary of Tract 58 as per map recorded in Book 10, page 6 of Miscellaneous Maps, Records of Orange County, California, to the most easterly corner of that certain 1.19 acre parcel as described in deed recorded in Book 311, page 213 of Deeds, Records of Orange County, California; thence following the southerly and westerly boundaries of said 1.19 acre parcel to the most northwesterly corner thereof; thence following the southerly boundary of said Tract 58 to the most westerly corner of said Tract 58, said corner being considered in the center line of the state highway known as the Santa Ana Canyon Road; thence following the center line of said state highway to its intersection with the northerly line of Olive Heights as per map thereof recorded in Book 19, page 18 of Miscellaneous Records of Los Angeles County, California; thence easterly along the northerly boundary of said Olive Heights to its intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the said center line of main canal to the most northwesterly corner of that certain district described in that certain agreement by Villa Park Mutual Water Company as recorded in Book 359, page 473 Same of Official Records of Orange County, California; thence easterly following the northerly boundary of said district to the westerly line of Lot Two (2) of Tract 166 as per map recorded in Book 12, pages 9, 10 and 11 of Miscellaneous Maps, Records of Orange County, California; thence following the westerly, northerly, and easterly boundary lines of said Tract 166 to Station 52 as described in deed recorded in Book 355, page 98 of Deeds, Records of Orange County, California, said station being in the northerly boundary line of Serrano Irrigation District as described in Book 76, page 60 of Official Records of Orange County, California; thence in a general easterly direction following the boundary of said Serrano Irrigation District to its most easterly corner, being a common corner with the most northerly corner of the Carpenter Irrigation District as described in Book 74, page 223 of Official Records of Orange County, California; thence southeasterly, southerly and easterly following the boundary line of said Carpenter Irrigation District to its intersection with the north line of Tract 944 as per map recorded in Book 29, page 41 of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly and westerly following the northerly, easterly and southerly boundaries of said Tract 944 to the north-

east corner of Tract 918 as per map recorded in Book 28, pages 41, 42, and 43 of Miscellaneous Maps, Records of Orange County, California; thence southerly, westerly southerly and easterly following the boundary of said Tract 918 to the northwest corner of Tract 931 as per map recorded in Book 29, page 27 of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly, and westerly following the northerly, easterly and southerly boundary of said Tract 931, to the southwest corner of Lot Eleven (11) of said Tract 931; thence southerly parallel to the east line of said Tract 918 one-half mile more or less to an intersection with the center line of the County Park Road; thence westerly along said center line of County Park Road to the said east line of said Tract 918; thence southerly, southwesterly, northwesterly, northerly, westerly, northwesterly, northeasterly, following the exterior boundary of said Tract 918, to an intersection with the exterior boundary of the said Carpenter Irrigation District, said point being 90 feet southeasterly of the northwest corner of Lot Seventy (70) of said Tract 918; thence following the exterior boundary of said Carpenter Irrigation District southwesterly and southerly, to the west corner of Lot One (1) of El Modena Citrus Lands, as per map thereof recorded in Book 6, page 32 of Miscellaneous Maps, Records of Orange County, California, said point being northeast corner of Lot Two (2) of said El Modena Citrus Lands; thence along the east line of said Lot Two (2) and Lots Four (4) and Five (5), the center line of adjacent road being considered as lot line, to the most northerly corner of Lot Six (6) of said El Modena Citrus Lands; thence southeasterly along the northeasterly line of Lots Six (6), Seven (7), Eight (8) and Nine (9) of said El Modena Citrus Lands, to the most westerly corner of that certain 2.75 acres parcel as described in deed recorded in Book 209, page 184 of Official Records of Orange County, California; thence northeasterly and southeasterly along the boundary of said 2.75 acre parcel to the most easterly corner of said parcel; thence northeasterly along the northwesterly line of Lot Eleven (11) of said El Modena Citrus Lands, to the most northerly corner of said Lot Eleven (11); thence southeasterly along the northeasterly line of Lots Eleven (11) and Twelve (12) of said El Modena Citrus Lands, to the most easterly corner of said Lot Twelve (12); thence northeasterly along the northwesterly boundary of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago and Flint and Bixby's allotment in Rancho Santiago de Santa Ana, as per map recorded in Book 1, page 88 of Miscellaneous Maps, Records of Orange County, State of California, to a point on said boundary line and located southwesterly a distance of one and one-half miles from the westerly corner of Block Twenty (20) of said Irvine's Subdivision; thence within said Irvine's Subdivision southeasterly to the most easterly corner of the northerly one-quarter of the westerly one-quarter of Block Sixteen (16) of said Irvine's Subdivision; thence southwesterly along the southeast-

erly line of said northerly one-quarter of the westerly one-quarter of said Block Sixteen (16) to the most southerly corner thereof; thence southeasterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of said Block Sixteen (16) to the southeasterly line of said block; thence southwesterly to the most southerly corner of said Block Sixteen (16); thence southeasterly along the northeasterly line of Block Forty-one (41) a distance of one-quarter mile, thence southwesterly one and one-half miles to the southerly corner of the northwesterly one-half of the northerly one-quarter of Block Forty-two (42); thence southeasterly one-half mile to the westerly corner of the southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence northeasterly one-quarter mile to the northerly corner of said southerly one-quarter of the easterly one-quarter of said Block Forty-two; thence southeasterly three-fourths of a mile to the easterly corner of the southwesterly one-half of the northerly one-quarter of Block Sixty-six (66); thence southwesterly one-half mile to the northerly corner of the southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); Same thence southeasterly one-half mile to the easterly corner of said southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southwesterly one-quarter mile to the southerly corner of said Block Sixty-six (66); thence southeasterly two miles to the easterly corner of Block One Hundred Six (106); thence southwesterly one-half mile to the southerly corner of the easterly one-quarter of said Block One Hundred Six (106); thence southeasterly one and one-quarter mile to the westerly corner of southeasterly one-half of the northerly one-quarter of Block One Hundred Forty-two (142); thence northeasterly three-fourths mile to the northerly corner of the southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southwesterly one-quarter mile to the easterly corner of said southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southwesterly one-quarter mile to the southerly corner of said southerly one-quarter of westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one-half mile to the southerly corner of said northwesterly one-half of the easterly one-quarter of Block One Hundred Forty-two (142); thence southeasterly one-quarter mile to the easterly corner of the southerly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one mile to the southerly corner of the easterly one-quarter of Block One Hundred Forty-one (141); thence southeasterly one-half mile to the center of Block One Hundred Fifty-four (154); thence southwesterly three miles to the center of Block One Hundred Fifty-seven (157); thence northwesterly one-half mile to the westerly corner of the northerly one-quarter of said Block One Hundred Fifty-

seven (157); thence northeasterly one-quarter mile to the southerly corner of the easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence northwesterly one-quarter mile to the westerly corner of said easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence southwesterly one-half mile to the southerly corner of the northerly one-quarter of the southerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the easterly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northeasterly one-eighth mile to the southerly corner of the northeasterly one-half of the northerly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the northeasterly one-half of the easterly one-quarter of the southerly one-quarter of Block One Hundred Twenty-four (124); thence southwesterly three-eighths mile to the southerly corner of the northwesterly one-half of the said southerly one-quarter of Block One Hundred Twenty-four (124); thence northwesterly one and one-quarter mile to the westerly corner of the southerly one-quarter of Block One Hundred Two (102); thence southwesterly three-fourths mile to the southerly corner of the northeasterly one-half of the westerly one-quarter of Block One Hundred One (101); thence northwesterly one-half mile to the westerly corner of said northwesterly one-half of the westerly one-quarter of Block One Hundred One (101); thence southwesterly one-quarter mile to the southerly corner of Block Eighty-eight (88); thence northwesterly one-quarter mile to the easterly corner of the northerly one-quarter of the easterly one-quarter of Block Eighty-nine (89); thence southwesterly one-quarter mile to the southerly corner of the said northerly one-quarter of the easterly one-quarter of Block Eighty-nine (89); thence northwesterly one mile to the center of the easterly one-quarter of Block Fifty-nine (59); thence northeasterly one-quarter mile to the northerly corner of the easterly one-quarter of said easterly one-quarter of Block Fifty-nine (59); thence northwesterly one mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of Block Forty-nine (49); thence southwesterly three-fourths of a mile to the easterly corner of the westerly quarter of the southerly quarter of said Block Forty-nine (49); thence northwesterly three-fourths of a mile in a direct line to the northerly corner of the southwesterly half of Lot 136 in Block Forty-nine (49) of said Irvine's Subdivision; thence northwesterly one-quarter mile in a direct line to the southerly corner of the northerly quarter of Lot 135 in Block Forty-nine (49) of said Irvine's Subdivision; thence northeasterly one-quarter mile to the easterly corner of the northerly quarter of said Lot 135; thence northwesterly one-half mile to the southerly corner of the northwesterly half of Lot 133 in Block Seven (7) of said Irvine's Subdivision; thence northeasterly one-half mile to the easterly corner of the north-

westerly half of said Lot 133; thence northwesterly one-quarter mile to the northerly corner of said Block Seven (7) on the northwesterly boundary of said Irvine's Subdivision; thence southwesterly and following the boundary of Coastal Municipal Water District, one mile to the westerly corner of said Block Seven (7); thence southwesterly along said northwesterly boundary to a point 1259.6 feet northeasterly from the westerly corner of Block Six (6) of said Irvine's Subdivision; thence southeasterly to the most northerly corner of Tract 456 as shown on a map recorded in Book 17, page 9 of Miscellaneous Maps, Records of Orange County, California; thence following the courses by distances and bearing along the easterly exterior boundary of said Tract 456 to an intersection with the center line of Santa Ana Avenue as shown on said map; thence northeasterly to the westerly corner of the southerly one-quarter of said Block Six (6); thence three-fourths mile southeasterly to the easterly corner of the northwesterly one-half of the northerly one-quarter of Block Fifty-one (51) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of the northwesterly one-half of the northwesterly half of said Block Fifty-one (51) to the northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51); thence northwesterly following the boundary of Coastal Municipal Water District along the said northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51) to the easterly corner of the southerly quarter of Lot 151 in Block Five (5) of said Irvine's Subdivision; thence following the boundary of Coastal Municipal Water District, southwesterly along the southeasterly line of said Lot 151 to the mean high-tide line as established by decree of the Superior Court of Orange County in Case No. 20436 as recorded in Book of Judgments No. 19, page 309; thence westerly and southwesterly following the courses by distances and bearings along said mean high-tide line to an intersection with the southeasterly boundary line of Block Four (4) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of said Block Four (4) to the intersection of the center line of Irvine Avenue with the center line of Twenty-third Street as shown on a map of Newport Heights recorded in Book Four (4), page 83 of Miscellaneous Maps, Records of Orange County, California; thence north 50° west one mile, along the center line of said Twenty-third Street to the northerly corner of Lot 155, in Block Four (4) of said Irvine's Subdivision, said corner being the intersection of the center line of Newport Avenue and Twenty-third Street, as shown on said map of said Newport Heights; thence north 40° east along the northwesterly line of said Irvine's Subdivision to an intersection of the center line of Newport Avenue, 60.00 feet in width lying southeasterly of and adjacent to the Southern Pacific Company right of way as shown on a map of Fairview Farms, recorded in Book 8, page 71 of Miscellaneous Maps, Records of Orange County, California, with the easterly

Same

prolongation of the north line of said Fairview Farms; thence westerly along the north line of said Fairview Farms to the center line of Harbor Boulevard, formerly known as Fairview Avenue, as shown on said map of Fairview Farms; thence northerly along the center line of said Harbor Boulevard to the north line of Lot A of the Banning Tract as shown on a map attached to the report of the referee's filed April 14, 1890, in the action of Hancock Banning et al vs. Mary H. Banning, Case No 6385 on the Register of Actions of the Superior Court of the State of California in and for the County of Los Angeles; thence westerly along the north line of Lot A of said Banning Tract to the east boundary line of the Talbert Drainage District; thence southerly along said east boundary line of the Talbert Drainage District to the north line of said Fairview Farms; thence westerly along the north line of said Fairview Farms to the northwest corner of Lot 75 of said Fairview Farms; thence southwesterly along the northwesterly line of said Lot 75 to the southwest corner thereof; thence easterly along the south line of said Fairview Farms to the northwest corner of land deeded to Edna Race Capron recorded in Book 1281, page 199 of Official Records, said corner being in the south line of said Fairview Farms and distant thereon 264.00 feet easterly from the intersection of said south line with the center line of Valley Road as shown on a map of Tract No. 653, recorded in Book 19, page 42 of Miscellaneous Maps, Records of Orange County, California; thence southerly along the west line of the last aforesaid land of Edna Race Capron to the southwest corner thereof; thence easterly along the westerly prolongation of the center line of Nineteenth Street, as shown on a map of First Addition to Newport Mesa Tract, recorded in Book 8, page 6, of Miscellaneous Maps, Records of Orange County, California (said center line being the north line of said First Addition to Newport Mesa Tract) to the northwest corner of said First Addition to Newport Mesa Tract; thence south 19° 16′ 00″ west along the northwesterly line of said First Addition to Newport Mesa Tract to the most westerly corner of Lot 1304 of said First Addition to Newport Mesa Tract; thence south 29° 09′ 00″ east along the southwesterly line of said First Addition to Newport Mesa Tract and along the southeasterly extension of the southwesterly lines of Lot 919 of said First Addition to Newport Mesa Tract to the northwesterly line of said Irvine's Subdivision; thence south 40° 00′ 00″ west along the northwesterly line of said Irvine's Subdivision and along the southwesterly prolongation thereof to the ordinary high-tide line of the Pacific Ocean in Newport Bay and designated "North Line" and North Bank of the Santa Ana River, as established by a decree in Court Case No. 23686 of the Superior Court in and for Orange County, California, a certified copy of which decree was recorded September 19, 1928 in Book 201, page 253, of Official Records; thence along the said north bank of the Santa Ana River the following courses and distances: North 74° 17′ 11″ west to an angle

point therein; thence north 58° 28′ 28″ west 1,085.28 feet; thence north 66° 44′ 18″ west 584.64 feet; thence north 60° 19′ 50″ west 577 07 feet to the former southerly line of the California state highway having a width of 80.00 feet; said point bears south 5° 55′ 18″ east 1,113.01 feet from the northwest corner of the northeast quarter of Section 29, Township 6, South Range 10, West, S. B. B. & M.; said point of intersection also being 40.00 feet southerly of Engineer's Station 683 + 40.95 on the center of said highway; thence northwesterly in a straight line to the southerly end of that certain course in the boundary line of the Coastal Municipal Water District described as "South 4° 31′ 33″ east 439 77"; thence following the boundary line of said Coastal Municipal Water District the following courses and distances: north 4° 31′ 33″ west 439.77 feet; thence north 1° 35′ 57″ east 857.80 feet; thence north 21° 30′ 03″ west 544.00 feet; thence north 27° 46′ 03″ west 319.00 feet; thence north 44° 46′ 33″ west 337.15 feet; thence south 74° 07′ 27″ west 296.60 feet; thence south 51° 48′ 28″ west 194.20 feet; thence south 20° 07′ 27″ west 511.05 feet; thence south 44° 22′ 57″ west 241.88 feet; thence south 81° 50′ 57″ west 233 05 feet; thence north 76° 50′ 03″ west 225.30 feet; thence north 68° 22′ 03″ west 756.00 feet; thence south 84° 43′ 27″ west 258.27 feet to the intersection of the northeasterly prolongation of the southeasterly line of Summit Street as said street is laid out and shown on a map of Seashore Colony Tract, as recorded in Map Book 7, page 25 of Miscellaneous Maps Records of Orange County, California with the north bank of the Santa Ana River; thence southwesterly along the northeasterly prolongation of the southeasterly line of said Summit Street and along said Summit Street and along the southwesterly prolongation of the southeasterly line of said Summit Street to the ordinary high-tide line of the Pacific Ocean; thence northwesterly along the ordinary high-tide line of the Pacific Ocean to the intersection of said line of ordinary high-tide with the northwesterly line of the Santa Ana Outfall Sewer right of way, said northwesterly line of the Santa Ana Outfall Sewer right of way being described as the northwesterly line of the strip of land 30.00 feet in width described in "Parcel-e" in the complaint in that certain action in the Superior Court of the State of California in and for the County of Orange, entitled "The City of Santa Ana vs. J. N. Hearn et al.," being Case No. 13753 in said court, said strip of land 30.00 feet in width being shown on the map attached to said complaint, and said northwesterly line of the Santa Ana Outfall Sewer right of way also being described in the order of possession entitled "Order," made and entered in said action on November 21, 1922, said "Order" being recorded in Book 1836, page 429 of Official Records of Orange County, California; thence South 40° 00′ 00″ west three miles more or less to a point in the Pacific Ocean, said point being three miles from the said line of ordinary high-tide; thence northwesterly and parallel with the said line of ordinary high-tide and dis-

Same

tant three miles therefrom to a point on the southwesterly extension of the northwesterly line of Rancho La Bolsa Chica, as shown on licensed surveyor's map filed in Book 3, page 45 of Records of Survey in the Office of the County Recorder of Orange County, California; thence northeasterly along the said extension of the northwesterly line of said Rancho La Bolsa Chica to the line of ordinary high-tide of the Pacific Ocean; thence northwesterly along said ordinary high-tide line of the Pacific Ocean to the point of beginning.

Divisions

Said district is hereby divided into 10 divisions which shall be numbered first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, and one director shall be elected or appointed as hereinafter provided from each division. Said 10 divisions are more particularly bounded and described as follows, to wit:

First Division

First Division: Division No. 1 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Loara, Katella and Garden Grove School Districts

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Second Division

Second Division: Division No 2 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Olive, Villa Park, Orange, El Modena and that portion of Tustin School District lying within the Fourth Supervisorial District as said district boundary existed July 8, 1949.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Third Division

Third Division: Division No. 3 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Yorba Linda, Placentia, Fullerton and Anaheim School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fourth Division

Fourth Division: Division No. 4 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of

Orange County on July 8, 1949: Buena Park, Orangethorpe, Centralia, Magnolia, Savanna, Cypress, Laurel, Alamitos, Westminster and Seal Beach School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fifth Division: Division No. 5 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Tustin, San Joaquin and El Modena School Districts. Fifth Division

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Sixth Division: Division No. 6 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Ocean View, Fountain Valley and Huntington Beach School Districts. Sixth Division

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Seventh Division: Division No. 7 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Costa Mesa, Paularino, Santa Ana, Diamond and Greenville School Districts. Seventh Division

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Eighth Division: Division No. 8 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Santa Ana as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist. Eighth Division

Ninth Division: Division No. 9 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Anaheim as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist. Ninth Division

Tenth Division: Division No. 10 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Fullerton Tenth Division

as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Annexations

Annexations to or enlargements of municipal corporations which constitute Divisions 8, 9 and 10 shall become part of the division which said municipal corporation constitutes without further act of said district; provided, however, that if said annexations or enlargements include land which is not already a part of said district, such land may be included within said district and said division only by inclusion proceedings as provided in this act.

Repeal

SEC. 2.5. Sections 1.1, 1.2, 1.3, 1.4, and 1.5 of said act are repealed.

SEC. 3. Section 2 of said act is amended to read:

Powers of district

Sec. 2. The "Orange County Water District" shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals;

3 To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its power;

5. Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district;

6 For the common benefit of said district, to store water in underground water basins or reservoirs within or outside of said district, to appropriate and acquire water and water rights within or outside of said district, to import water into said district, and to conserve water within or outside of said district;

7. To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within said district, or diminution of the quantity or pollution or contamination of the water supply of said district, or to prevent unlawful exportation of water from said district, or to prevent any interference with the water or water rights used or useful in said district which may endanger or damage the inhabitants, lands or use of water in said district; provided, however, that said district shall not have power to intervene or take part in, or to pay costs or expenses of actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of said district and which do not involve pollution or contamination

of water within said district or exporting water outside of said district's boundaries or any threat thereof.

8. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of any of the powers granted by this act, except that said district shall not have the right of eminent domain as to water, water rights, reservoirs, pipe lines, water distributing systems, waterworks, or power plants, all or any of which are already devoted to beneficial or public use and located within the watershed of the Santa Ana River, and excepting further from the exercise of the right of eminent domain by said district any property maintained and actually used for the scientific propagation and study of plant life. No language or provision of this act, or of this subdivision, shall be interpreted or construed so as to limit or abridge the right of said district, or its board of directors, to exercise its right of eminent domain to condemn property at any place within the Santa Ana River watershed for rights of ways upon and across and under which to construct pipe lines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of said district provided the property sought to be condemned for said purposes is not already being used by other corporations, municipalities, districts or individuals for similar purposes; providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of directors to so do. Subject to the express limitations hereinbefore set out, in any proceedings relative to the exercise of such right of eminent domain, said district shall have the same rights, powers and privileges as a municipal corporation;

9. The district, shall in addition to the other powers herein granted by this act, have the following rights and powers: To act jointly with or cooperate with the United States or any agency thereof, the State of California or any agency thereof, any county of the State of California, districts of any kind, public and private corporations, and any person or persons, to carry out the provisions and purposes of this act; in such joint or cooperative activities, said district may act within or outside of its boundaries;

10 To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act;

11. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers;

12. To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

SEC. 4. Section 3 of said act is amended to read:

Board of directors

Sec. 3. The powers and duties herein enumerated shall, except as herein otherwise provided, be exercised and performed by the board of directors elected or appointed as provided herein. "Board" or "board of directors" as used in this act means the Board of Directors of the Orange County Water District.

SEC. 5 Section 4 of said act is amended to read:

Membership, officers, etc

Sec. 4 The government of said district shall be vested in said board of directors to consist of 10 members to be elected or appointed as hereinafter provided; a president, a vice president, a secretary, or assistant secretary who shall be appointed and hold office at the pleasure of the said board of directors, the county treasurer, county assessor, county tax collector, and county auditor of said Orange County and their successors in office, and all their deputies, assistants, clerks and employees, which county officers shall perform the same respective duties for said district as they perform for said Orange County, without additional compensation, in order to carry out the provisions of this act, when so requested by said district.

Said board of directors may appoint and employ an attorney or attorneys, and an engineer or engineers for said district and such other officers and employees for said district as in their judgment may be deemed necessary, and prescribe their duties and powers and compensation, which officers and employees shall hold office or be employed during the pleasure of the said board of directors.

SEC. 6. Section 5 of said act is amended to read:

Duties of officers

Sec. 5. The president shall sign all contracts on behalf of said district, and perform such other duties as may be imposed on him by the board of directors or by this act. In the absence of or inability of the president to serve, the vice president shall perform his duties.

The secretary or assistant secretary shall countersign all contracts on behalf of said district and perform such other duties as may be imposed on him by the board of directors or by this act.

Administration

The board of directors may by resolution adopt reasonable rules and regulations not inconsistent with this act for the administration and government of the affairs of said district, and alter them from time to time as conditions may require; they may also appoint appropriate officers or agents to represent them as directed in administering the affairs of said district, which officers or agents shall receive the compensation established by the board from time to time, and serve at the pleasure of the board. Said board may require any of said officers or agents to furnish bond in the form and amount fixed by it.

SEC. 7. Section 6 of said act is amended to read:

Action by resolution

Sec. 6. The board of directors shall act only by resolution. The ayes and noes shall be taken upon the passage of all resolutions and entered upon the minutes of the proceedings of the board of directors. No resolution shall be passed or become ef-

fective without the affirmative votes of at least a majority of the members of the board. Each director shall receive the sum of ten dollars ($10) and a reasonable sum for mileage to be fixed by the board from time to time for each meeting of the board of directors attended by him. A director shall receive additional compensation not exceeding twenty dollars ($20) per day as shall be fixed and allowed by the board from time to time for his services while otherwise employed by authority of the board on the business of the district; also subject to approval of the board, reasonable compensation for all traveling and other expenses, including mileage incurred by him in such employment. Compensation

SEC. 8. Section 8 of said act is repealed. Repeal

SEC. 9. Section 9 of said act is amended to read:

Sec. 9. The provisions of this section shall not apply to Divisions 8, 9 and 10 of said district, where the directors therefrom are appointed as provided elsewhere in this act. Exemptions

Only the holders of title to lands situated within said district or to assessable rights in said lands, or to improvements on said lands, shall be entitled to vote at any election held under the provisions of this act, and every such holder of title shall be entitled to vote in person or by proxy as hereinafter provided in each division of said district in which any of the lands, including assessable rights therein or improvements thereon, owned by him are situated, and to cast one vote for each one hundred dollars ($100) or fraction thereof worth of land including assessable rights therein or improvements thereon, in each said division so owned by him. Qualification of voters

Such ownership and value shall be be determined from the last equalized assessment roll of said Orange County, and the board of supervisors of said county, prior to each election held under the provisions of this act, at the expense of said district, shall cause to be prepared and certified and furnished to the board of election at each voting place, a true and correct copy of the entries upon the last equalized assessment rolls of said county, so far as such assessment rolls apply to the lands within said district, to the extent of showing the names of each owner, and the assessed value of the land owned by each in each division in said district, which said certified entries from said rolls shall be used by said boards of election in determining the number of votes each voter is entitled to cast. List of voters

Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners or anyone other than the true owner, any person producing a certificate of a title insurance or abstract company certifying the true ownership of such land at the date of the election, or at any time within five days previous thereto, accompanied by an affidavit of the person certified to be the owner that he is the owner of the property at the time of the election, said person so certified to be the owner shall be entitled to vote in like manner as if Division of votes

his name appeared upon the assessment rolls as above mentioned.

Corporations, partnerships, etc., as voters

Where corporations or partnerships appear as the owners of property, the votes of such owners shall be cast by any person holding a proxy from such corporation or firm. Executors, administrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the board of election a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

Precincts

If any voter qualifies under this act in more than one voting precinct in any division of said district, he shall cast all of the votes which he is entitled to cast in said division at one voting precinct therein.

Election procedure

Said election shall be conducted in accordance with the general election laws of this State so far as applicable, and except as herein otherwise provided. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated, but only the number which the voter was entitled to cast shall be counted. The election officers shall publicly count the votes immediately after the close of the election, and forthwith make a report of the result of said election to the board of directors of said district.

SEC. 10. Section 10 of said act is amended to read:

Candidates

SEC. 10. Not less than 15, nor more than 30 days before any election held for the purpose of electing directors for said district from Divisions 1 to 7, inclusive, 25 or more qualified voters under this act residing in such a division of said district may file with the secretary of said district, a petition, requesting that the name of a certain person, specified in said petition, be placed on the ballot as candidate for the office of director from said division of said district. Any number of candidates may be so nominated. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots, but there shall be a blank space left in which voters may at the election write in other names if they so desire. The petitions shall be preserved at least one year after they are filed in the office of the secretary of said district.

Repeal

SEC. 11. Section 11 of said act is repealed.

SEC. 12. Section 11 is added to said act, to read:

Qualifications for director

SEC. 11. Each director, whether elected or appointed, shall be a resident of said district and an owner of land in the division from which he is elected or appointed.

SEC. 13. Section 12 of said act is amended to read:

SEC. 12. An election shall be held on the first Tuesday in February of each odd numbered year, in Divisions 1 to 7 inclusive at which directors for said district shall be elected to fill the offices of the directors whose terms of office shall expire on the second Wednesday in March thereafter, in accordance with the provisions of this act. The person receiving the highest number of votes for the office of director in a division is elected director from that division. Election date

In Divisions 8, 9 and 10 of said district, the governing body of the city comprising each such division shall appoint the director to represent such division upon the board of directors, to serve at the pleasure of such governing body. Within 60 days after the amendment to this act shall take effect, the governing bodies of all of such cities shall appoint such director who shall qualify in all matters as an elected director Appointments

Vacancies occurring in the board of directors by reason of death, resignation or otherwise, shall be filled by appointment by the remaining directors in office, except that if the vacancy is that of an appointed director, the appointing body shall appoint a successor. A director so appointed shall hold office for the unexpired term of his predecessor. Within 10 days after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath of office and filing the same with the secretary of said district. Vacancies on board Oath of office

Each director shall execute an official bond in the sum of ten thousand dollars ($10,000) which shall be approved by a judge of the Superior Court of the County of Orange, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers Directors bonded

Premiums for bonds required by this act shall constitute a proper charge against said district.

SEC. 14. Section 13 of said act is amended to read:

SEC. 13. On the second Wednesday in March next following their election, the directors elected or appointed shall meet and organize as a board, elect a president and vice president, and may appoint a secretary or assistant secretary, who shall each hold office during the pleasure of the board. Each director appointed or elected shall hold office until his successor is elected, or appointed, and has qualified. The term of office of each elected director is hereby fixed at four years, except as herein otherwise provided. The office of said district shall be established by the board of directors at some proper and convenient place within the County of Orange, but does not have to be established or maintained within said district. After the office is once established, it shall not be changed without giving notice thereof by posting in three public places within said district Organization, terms etc., of board

and by publishing a similar notice at least once a week for two weeks in some newspaper of general circulation published in said Orange County.

Secretary and assistant secretary

The secretary and assistant secretary of said district need not be one of the directors. The salary of the secretary and assistant secretary and amount of the bond to be given for the faithful performance of his duties shall be fixed by the board of directors. The bond of the secretary and assistant secretary of said district shall be recorded in the office of the recorder of said Orange County and then filed with the president of the board of directors of said district.

SEC. 15. Section 14 of said act is amended to read:

Elections

Sec. 14. At a meeting of the board of directors of said district to be held not less than 20 days before the time for a biennial election of the director, the board, by resolution duly adopted, shall call an election to be held in the divisions of said district where directors are to be elected for the purpose of electing directors thereof, and shall give notice to the governing body in divisions where directors are appointed. In the resolution the board shall designate the day of said election, a convenient election precinct or precincts in each division, and the polling place in each precinct. The board shall appoint an election board for each precinct consisting of one inspector, one judge and one clerk, and shall prescribe the hours during which the polls shall be open on the day of the election which shall not be less than eight hours. The board shall cause notice of said election to be given by posting notices thereof in three public places in each such division, to be posted at least 20 days prior to said election, and by publication of said election notice for at least three successive weeks previous to the day of election in a newspaper published in said district. Said election shall be conducted as nearly as practicable in accordance with the general election laws of the State, but no particular form of ballot shall be required, and no sample ballots need be mailed. The board of directors shall provide ballots and election supplies for each precinct.

Election boards

Notice

Procedure

SEC. 16. Section 15 of said act is amended to read:

Canvass of votes, etc

Sec. 15. The board of directors shall meet on the first Monday succeeding said election and canvass the votes cast thereat and shall declare the persons receiving respectively the highest number of votes in each division at said election to be duly elected directors of said district from the respective divisions, and in the event of a tie vote, in the same manner and with like notice, shall call another election in any division where the vote is tied and so proceed until a director is elected from said division.

At the first meeting of the board of directors of said district following receipt of a certificate of appointment of a director from Division 8, 9 or 10, the board of directors shall declare to be duly appointed as a director of said district, all such directors certified as appointed by the governing body of the city comprising each such division.

SEC. 17. Section 16 of said act is amended to read:

Sec. 16. The board of directors at their regular monthly meeting in August of each year shall render and immediately thereafter cause to be filed with the secretary and posted conspicuously in the office of said district a verified statement of the financial condition of said district, showing in detail the receipts and disbursements during the last preceding year, together with the sources of said receipts and purposes of said disbursements. A summary of said statement shall be published at least once a week for two weeks in some newspaper published in said district, and shall refer to the itemized statement filed and posted in the office of said district for further particulars. Financial statements Publication

For the purpose of rendering such statement, said district shall designate a certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the district during the preceding year. Such certified public accountant shall have no personal interest directly or indirectly in the financial affairs of said district.

SEC. 18. Section 17 of said act is amended to read:

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year, except ground water replenishment. This amount, less available funds on hand, shall be deemed to be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year, except ground water replenishment; to pay the estimated cost of maintenance, operation and repairs of works and projects of said district, the incidental expenses of said district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by said district, including the cost of employment of attorneys and engineers. In estimating the general funds needed by said district, all general funds on hand which are or will be unexpended at the end of the fiscal year shall be considered as funds on hand; provided, however, if determined to be necessary by the board, a sum not to exceed one hundred fifty thousand dollars ($150,000) or 50 percent of the total amount collected under the last general assessment, whichever amount is greater, shall not constitute a part of such funds on hand and shall remain available for expenditure by the district for unanticipated needs. Proposed expenditures Estimate

Provided, however, that the amount of the general assessment levied during any year shall not exceed eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County; provided, however, that for two full fiscal years after the effective Assessment limitations

date of the amendment to this act, the board of directors may purchase water for the replenishment of the ground water supplies of said district from the general assessment fund, but after such two-year period it shall require the affirmative vote of at least eight of the directors to expend general assessment funds for such purpose; provided further, however, that no expenditure of funds to purchase water for the replenishment of the ground water supplies of said district shall be made from the general assessment funds in excess of a sum of money sufficient to purchase 25,000 acre-feet in any one year, or in an aggregate sum of money sufficient to purchase 375,000 acre-feet.

SEC. 19. Section 18 of said act is amended to read:

Levy of assessment

Sec. 18. The board of supervisors of said Orange County at the time of the levying county taxes annually must levy a general assessment sufficient to raise the amount or amounts specified in said estimates of said directors, as herein provided. Said board of supervisors must determine the rate of such assessment by deducting 10 percent for anticipated delinquencies from the assessed value of the assessable real property in said district on which an assessment is to be levied, as it appears on the assessment roll of the county, and then dividing the sum or sums reported by said board of directors as required to be raised by the remainder of such total assessed value The general assessments levied and/or collected under the terms of this act shall be levied and collected on real property including assessable rights therein and improvements thereon, but not on personal property.

SEC. 20. Section 19 of said act is amended to read:

Sec. 19. The general assessment so levied by said district shall be computed and entered on the assessment roll by the county auditor, and if the board of supervisors fail to levy the general assessment as provided in the preceding section, then the auditor must do so. Said general assessments shall be collected at the same time and in the same manner as state and county taxes, and when collected, shall be paid into the treasury of said Orange County for the use of said district

The provisions of the statutes of this State, prescribing the manner of levying, assessing, equalizing and collecting taxes, including the sale of property for delinquency, and the redemption from said 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 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.

SEC. 21. Section 20 of said act is amended to read:

Establishment of funds

Sec. 20. The following funds are hereby created and established for said district to which the moneys of the district shall be deposited and applied, to wit, the general fund and the replenishment fund. All funds collected and received by said district from the levy of said district's replenishment assessment shall be deposited with the county treasurer and applied

to the replenishment fund for the use of said district. All funds collected and received by said district from the levy of the general assessment shall be deposited and applied to the general fund. All other funds received by said district shall be deposited in the fund designated by the board of directors.

SEC. 22. Section 21 of said act is amended to read:

Sec. 21. For the purpose of constructing, purchasing, leasing or otherwise acquiring water, water rights, storage sites, spreading grounds, lands, canals, conduits, rights and privileges useful or necessary for the purposes of said district, and otherwise carrying out the provisions of this act, and before any such purposes or projects are instituted and carried out, the board of directors of said district shall determine whether any such purpose or project is feasible and necessary and of general benefit to the lands in the district, and shall also estimate and determine the amount of money necessary to be raised for each or any of said purposes or projects. For the purpose of ascertaining the feasibility, necessity and general benefit of any such purposes or projects and the amount of money necessary to be raised for the same or any of them, said board shall cause such engineering investigations, surveys, examinations, drawings, plans and reports to be made as shall furnish the proper basis for said purposes or projects, and said estimates of the cost thereof. Said engineering investigations, drawings, plans and reports, and the estimates based thereon may provide that the works necessary for a completed purpose or project shall be constructed progressively during a period of years. All engineering investigations, examinations, drawings, plans and reports shall be made under the direction of a competent engineer or engineers selected by the directors, and shall be certified by him or them. All data obtained by Orange County Flood Control District and all other available engineering data may be considered in all of said engineering investigations. Estimate of feasibility of projects, etc

SEC. 23. Section 22 of said act is amended to read:

Sec. 22. If it shall appear from said engineer's report or reports that any such purpose or project is feasible and necessary and of general benefit to the lands in the district, the board of directors by resolution entered in its minutes may so find and may declare the purpose or project duly instituted.

SEC. 24. Section 23 of said act is repealed. Repeal

SEC. 25. Section 23 is added to said act, to read:

Sec. 23. Replenishment assessments levied pursuant to this act are declared to be in furtherance of district activities in the protection of the water supplies for users within the district which are necessary for the public health, welfare and safety of the people of this State. The replenishment assessments are authorized to be levied upon the production of ground water from all water producing facilities, whether public or private, within said district for the benefit of all who rely directly or indirectly upon the ground water supplies of such district. Replenishment assessments

The proceeds of the replenishment assessment levied, assessed and collected upon the production of water from the

ground water supplies within said district shall be used exclusively for the acquisition of water for replenishment of the ground water supplies of said district.

Repeal

SEC. 26. Section 24 of said act is repealed.

SEC. 27. Section 24 is added to said act, to read:

Registration of water producing facilities

Sec. 24. On or before the fifteenth day of January, 1954, all water producing facilities located within the boundaries of the Orange County Water District shall be registered with said district by the operator thereof. Any new water producing facility constructed or re-established after such date shall be registered with said district within 30 days after the completion or re-establishment thereof.

Penalty

Failure to register any water producing facility with said district is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment.

In addition to other information which said district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water producing facility is located, a general description and location of each water producing facility, the name and address of the person charged with the operation of each water producing facility and the name or names and addresses of all persons owning or claiming to own an interest in the water producing facility.

Definitions

"Person" or "operator" as used in this act means public agencies, federal, state, and local, private corporations, firms, partnerships, individuals or group of individuals whether legally organized or not; "owner" or "operator" also means the person to whom a water producing facility is assessed by the county assessor or if not separately assessed the person who owns the land upon which a water producing facility is located.

"Ground water" as used in this act means all water beneath the earth's surface, but does not include water which is produced with oil in the production of oil and gas or in a bona fide mining operation, or during construction operations.

"Production" or "producing" as used in this act means the act of extracting ground, water, by pumping or otherwise.

"Water producing facility" as used in this act means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within said district.

"Accumulated overdraft" as used in this act means the amount of water necessary to be replaced in the intake area of the ground water basin within said district to prevent the landward movement of ocean water into the fresh ground water body, as determined by the board of directors from time to time.

"Annual overdraft" as used in this act means the amount, determined by the board of directors, by which the production of water from the ground water supplies within said district during the water year exceeds the natural replenishment of such ground water supplies in such water year.

"Water year" as used in this act means July 1st of one calendar year to June 30th of the following calendar year.

SEC. 28. Section 25 of said act is repealed. Repeal

SEC. 29. Section 25 is added to said act, to read:

Sec. 25. The district shall annually order an investigation and report to be made by an engineer or engineers employed by said district for the purpose of investigating and reporting upon ground water conditions of said district. The investigation and report shall include among other information which said district may desire, information for the consideration of the board in its determination of the annual overdraft, information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year, a report as to the total production of water from the ground water supplies of said district for the preceding water year, an estimate of the annual overdraft for the current water year and for the ensuing water year, and a recommendation as to the quantity of water to be purchased for replenishment of the ground water supplies of said district for the ensuing year. Ground water reports

SEC. 30. Section 26 of said act is repealed. Repeal

SEC. 31. Section 26 is added to said act, to read:

Sec. 26. On the second Wednesday in March of each year, the engineering investigation and report shall be delivered to the secretary of said district in writing. Said secretary shall publish a notice of the receipt of such report in a newspaper of general circulation, printed and published within said district, at least 10 days prior to the date at which the public hearing regarding ground water conditions shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water producing facilities within said district to call at the offices of said district to examine said engineering investigation and report. Publication of report

There shall be held, by the board of directors, on the second Wednesday of April of each year, at the district offices a public hearing at which time any operator of a water producing facility within said district or any person interested in the condition of the ground water supplies of said district may in person or by representative appear and submit evidence concerning the ground water conditions of said district. Appearances, also, may be made supporting or protesting said written engineering investigation and report. Said board of directors shall, before the levy of the replenishment assessments, find and determine the average annual overdraft for the immediate past 10 water years; the estimated annual overdraft for the current water year; the estimated annual overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the amount of water which should be purchased for the replenishment of the ground Public hearing

water supplies of said district for the ensuing water year, and the sum of money necessary therefor.

Such finding and determination by said board shall be conclusive and binding upon all persons and parties.

Repeal

SEC. 32. Section 27 of said act is repealed.

SEC. 33. Section 27 is added to said act, to read:

Assessments for overdrafts

Sec. 27 If the board of directors finds and determines that an overdraft, either annual or accumulated, does exist, then said board may levy and assess a charge or replenishment assessment against all persons operating water producing facilities and producing water during the ensuing water year, which assessment or charge shall be computed and fixed at a uniform rate per acre-foot of such water production.

In the event of a basin-wide adjudication in this district of the rights to extract ground water and to determine the safe yield of the ground water supplies of said district, then said replenishment assessment levied by this act shall be assessed against the persons producing ground water and only to the extent of the excess over and above such adjudicated rights.

Replenishment assessment limits

The total of the replenishment assessment levied in any year shall not exceed an amount of money found to be necessary to purchase sufficient water to replenish the average annual overdraft for the immediate past 10 water years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years, the accumulated overdraft; provided, further, that the replenishment assessment in any year as computed and fixed at a uniform rate per acre-foot of water produced shall not exceed five dollars and fifty cents ($5 50) per acre-foot of water produced except upon the vote of eight directors of said district.

Public hearing

On the second Wednesday in June of each year, at the hour of 2 p.m. at the offices of said district, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a replenishment assessment and fixing the rate thereof In computing and fixing the replenishment assessment rate, there shall be allowed 10 percent for delinquencies. Notice of such hearing shall be given by publication in a newspaper of general circulation printed and published within said district, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied by this section shall be in addition to any general assessment levied by said district.

Clerical errors

Clerical errors occurring or appearing in the name of any person or in the description of the water producing facility where the production of water therefrom is otherwise properly assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

Repeal

SEC. 34. Section 28 of said act is repealed.

SEC. 35. Section 28 is added to said act, to read:

Notice of replenishment assessment

Sec. 28. The district, after the levying of the replenishment assessment, shall give notice thereof to the operator of

each water producing facility in the district as disclosed by the records of said district, which notice shall state the rate of the replenishment assessment for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first class mail with postage prepaid by said district.

SEC. 36. Section 29 of said act is repealed. Repeal

SEC 37. Section 29 is added to said act, to read:

Sec. 29. Each operator of a water producing facility within said district shall file with said district on or before February 15, 1954, an information water production statement. Such statement shall provide, among other information which said district may require, an estimate of the total production of water from each water producing facility for the preceding water year, an estimate of the production of water from each water producing facility for the current water year, an estimate of the production of water from each water producing facility for the ensuing water year and information as to the method or basis of making such estimates. Information water production statements

Each operator of a water producing facility within said district shall file with said district on or before the thirty-first day of January, 1955, and on or before the thirty-first day of July, 1955, and thereafter on a semiannual basis on or before the last day in January and July of each year, a sworn statement setting forth the total production in acre-feet of water for the preceding six months period (excluding the month in which the statement is due), a general description or number locating each water producing facility and the method or basis of the computation of such water production. The replenishment assessment is payable to said district on or before the last date which the water production statements shall be filed and is computed by multiplying the production in acre-feet of water as disclosed in the statement, by the replenishment assessment rate.

If any operator of a water producing facility shall fail to pay the replenishment assessments when due, said district shall charge interest at a rate of 1 percent each month on the delinquent amount of the replenishment assessment. Interest on delinquent payments

Should any operator of a water producing facility fail to register each water producing facility or fail to file in January and July of each year the water production statement, said district shall in addition to charging interest as provided herein assess a penalty charge against such operator in an amount of 10 percent of the amount found by said district to be due. Failure to register Penalty

The board of directors may, at the time of fixing the replenishment assessment rate, provide by resolution that the operator of any water producing facilities having a discharge opening not greater than two inches in diameter and which do not provide domestic or irrigation water for an area in excess of one acre may pay a fixed amount as their replenishment assessment, in lieu of filing a sworn statement as to the production of ground water. Fixed amount in lieu of statement

Repeal

SEC. 38. Section 30 of said act is repealed.

SEC. 39. Section 30 is added to said act, to read:

Amendments or corrections to water production statements

Sec. 30. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next semiannual water production statement.

Any hearings or meetings held by said district or its board of directors as required by this act or in carrying out the provisions of this act may be continued or adjourned from time to time.

Repeal

SEC. 40. Section 31 of said act is repealed.

SEC. 41. Section 31 is added to said act, to read:

Annual "Records"

Sec. 31. The district shall prepare each year a record called "The Record of Water Production" in which shall be noted the annual water production from each water producing facility within said district.

The district shall also prepare each year a record called "The Record of Replenishment Assessments and Charges" in which shall be entered each district assessment levy and charge, a general description of the property upon which each water producing facility is located and any identifying number or code which may be assigned to such facility.

Repeal

SEC. 42. Section 32 of said act is repealed.

SEC. 43. Section 32 is added to said act, to read:

Temporary restraining orders

Sec. 32. The superior court of the county in which said district lies may issue a temporary restraining order upon the filing by said district with said court of a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water producing facility which has not been registered with the district or that such defendant is delinquent in the payment of a replenishment assessment. Such temporary restraining order shall be returnable to said court on or before 10 days after its issuance.

Injunctions

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water producing facility when it is established by the preponderance of the evidence at a hearing that the defendant has failed to register such water producing facility with said district or that the defendant is delinquent in a replenishment assessment thereon. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water producing facility or to pay the delinquent replenishment assessment.

Service of process

Service of process is completed by posting a copy of the summons and complaint upon the water producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

Injunctive relief additional remedy

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Part 2, Title 7, Chapter 3 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may

herein be otherwise provided. Said district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

SEC. 44. Section 33 of said act is repealed. Repeal

SEC. 45. Section 33 is added to said act, to read:

Investigations of water production

Sec. 33. If said district has probable cause to believe that the production of water from any water producing facility is in excess of that disclosed by the sworn statements covering such water producing facility, or if no statements are filed covering any water producing facility, said district may cause an investigation and report to be made concerning the production of water from each such water producing facility. Said district may fix the amount of water production from any such water producing facility at an amount not to exceed the maximum production capacity of such water producing facility; provided, however, where a water measuring device is permanently attached thereto, the record of production as disclosed by such water measuring device shall be presumed to be accurate and the burden is upon said district to establish to the contrary.

Notice of determination

After such determination has been made by said district, a written notice thereof shall be mailed to the person operating such water producing facility at his address as shown by the district's records. Any such determination made by said district shall be conclusive on all persons having an interest in such water producing facility and the replenishment assessment interest and penalties thereon, payable forthwith, unless such person files with the board of directors of said district within 10 days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, said board of directors thereafter shall hold a hearing at which time the total amount of the water production and the replenishment assessment thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by said board of directors shall be mailed to each protestant who shall have 20 days from the date of mailing to pay the replenishment assessment, interest or penalties fixed by said board.

Protest

Notice of hearing

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the Government of the United States, in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the records of said district. The service is complete at the time of deposit.

SEC. 46. Section 34 of said act is repealed. Repeal

SEC. 47. Section 34 is added to said act, to read:

Remedies of districts

Sec. 34. Said district may bring a suit in the court having jurisdiction against any operator of a water producing facility within said district for the collection of any delinquent replenishment assessment. The court having jurisdiction of said suit may, in addition to allowing recovery of costs to said

district as allowed by law, fix and allow as part of the judgment, interest and penalties as provided in Section 29. Should said district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, said district shall not be required to provide a bond or undertaking as is otherwise provided for in the Code of Civil Procedure of the State of California in Part 2, Title 7, Chapter 4 thereof.

Repeal

SEC. 48. Section 35 of said act is repealed.

SEC. 49. Section 35 is added to said act, to read:

Unlawful practice

Sec. 35. It shall be unlawful to produce water from any water producing facility within the boundaries of the Orange County Water District from and after March 31, 1956, unless such water producing facility has been registered with said district and has a water measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

Extension of time

The board of directors by resolution may extend the date from March 31, 1956, on a year to year basis upon its determination that availability, price of water measuring devices, or other circumstances justify such extension; provided further, however, that no extension may be made beyond March 31, 1960. Should said date be extended, notice thereof shall be given by publication in a newspaper of general circulation within said district once a week for two successive weeks to be completed not less than two months prior to said date.

Exemption

This section is not applicable to operators of water producing facilities having a discharge opening two inches or less in diameter and which do not provide domestic or irrigation water for an area in excess of one acre who pay, in accordance with district regulations a fixed charge in lieu of affixing a water measuring device.

Penalty

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six (6) months or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

Repeal

SEC. 50. Section 36 of said act is repealed.

SEC. 51. Section 36 is added to said act, to read:

Contracts

Sec. 36. The district shall not be bound by any contract except as hereinafter provided unless the same shall be made in writing by resolution of the board of directors and properly executed by its officers who have been so authorized to do by said district. The approval of the form of all contracts shall be endorsed thereon by an attorney for said district.

Expenditures, bids, etc

Every expenditure by said district other than the purchase of water to replenish the ground water supplies therein, and in an amount in excess of five thousand dollars ($5,000) shall be made by said district with the lowest and best bidder after the publication for at least two days in a newspaper of general circulation published within said district, of a notice calling for bids and fixing a period during which such bids will be received,

which shall be not less than 10 days after the first publication of said notice. The district may reject any and all such bids presented and may readvertise in its discretion. After rejecting such bids or if no bids are received, said district may determine and declare that in its opinion, based on estimates submitted by the engineer for said district, any work may be performed better or more economically by said district with its own employees, or after hiring additional employees; and after the adoption of a resolution to this effect by at least seven affirmative votes of the directors of said district, said district may proceed to have such work done in the manner stated and without further observance of the provisions of this section.

Urgent expenditures

Expenditures, likewise, may be incurred or contracts let or work undertaken without advertising for bids if such work shall be deemed by said district to be of urgent necessity for the preservation of life, health or property and shall be authorized by a resolution passed by at least eight affirmative votes of the board of directors and containing a declaration of the facts constituting such urgency.

Contractor's bond

Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for at least 25 percent of the amount of the estimated contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer of said district, and be subject to approval by the board of directors of said district.

Repeal

SEC. 52 Section 38 of said act is repealed.

SEC. 52.5 Section 38 is added to said act, to read:

Exclusion Petition

SEC. 38 Any water producing facility which is not producing ground water from a zone replenished by the Santa Ana River or its tributaries may be excluded by order of the board of directors from the payment of the replenishment assessment provided by this act after the filing of a verified petition by the owner of a water producing facility

The petition shall describe the land upon which the water producing facility is located, a description of the water producing facility, and the names and addresses of the owners of the water producing facility, and shall set forth that such water producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries It shall be filed with the board of directors and accompanied by a deposit with the board of the sum of five hundred dollars ($500) to meet expenses of advertising and costs incident to the proceedings, any unconsumed balance to be returned to the petitioner

Investigation and report

Upon the filing of the petition, the board of directors shall cause an investigation to be made by an engineer or engineers to determine whether the water producing facility is or is not producing ground water from a zone replenished by the Santa Ana River or its tributaries. Upon completing such investigation and report two copies thereof shall be filed with the dis-

trict, one copy of which shall be mailed to the petitioner. The cost and expense of such investigation and report shall be a charge against the deposit made by the petitioner.

Hearing

Upon the filing of the report, the board of directors shall fix a time for holding a hearing regarding the petition and report, which time shall be not less than 25 days and not more than 75 days after the filing of the report, and shall cause a notice of the filing thereof to be published once a week for at least two weeks in one newspaper of general circulation printed and published within the district. Such notice shall state the time and the place for the holding of such hearing. The district shall also mail to the petitioner a notice of such hearing, within 10 days after the first publication of the notice of the hearing. Any owner of a water producing facility within the district may appear in person or by representative at said hearing either in behalf or in opposition to the granting of the request of said petition. If upon such hearing the board of directors determines that the petition complies with the provisions of this section, and determines and finds that such water producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries, the board of directors shall make an order that such water producing facility shall be excluded from the payment of the replenishment assessment as provided in this act. From the making of such order the water producing facility so excluded shall no longer pay any replenishment assessment thereafter levied but such order of exclusion shall not invalidate in any manner any replenishment assessment theretofore levied.

Exclusion provision limitations

The exclusion provisions provided in this section apply only to exclusion of water producing facilities from the payment of the replenishment assessments authorized by this act, but do not in any manner exclude or limit the rights of the district to levy and collect a general assessment as provided in this act.

The finding and determination by said board is final and conclusive.

SEC. 53. Section 41 of said act is amended to read:

Debts void

Sec 41. The board of directors or other officers of said district shall have no power to incur any debt or liability whatever in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

SEC. 54. Section 44 of said act is amended to read:

Action to determine validity of assessment by board of directors

Sec. 44. The board of directors may, at any time after the levy of any assessment herein provided for, bring an action in the Superior Court of Orange County to determine the validity of any assessment; said action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had in publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings Jurisdiction shall be complete within 10 days after the full publication of said 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 said assessments. Said action shall be speedily tried and judgment rendered declaring the matter so contested 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 said judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Interested parties

Appeal

SEC. 55. Section 45 of said act is amended to read:

Sec. 45. If no such proceedings shall have been brought by the board of directors, then, at any time within 30 days after the levy of any assessment under the provisions of this act, any district assessment payer may bring an action in the Superior Court of Orange County to determine the validity of said assessment. The Orange County Water District shall be named as a defendant, and service of summons shall be made on such district by personally serving any officer of said district. Said district shall have the right to appear and contest said action. Said action shall be speedily tried, and either party shall have the right to appeal within the time and manner herein provided in the case of actions brought by the board to determine such matters, and any such appeal shall be heard and determined in the manner and within the time herein provided in the case of appeals in such actions brought by the board.

Action by district assessment payer

Defendant

Appeal

SEC. 56. Section 48 of said act is amended to read:

Sec. 48. No contest of any thing or matter herein provided for shall be made other than within the time and manner herein specified, and in any such contest the findings of facts or conclusions of said board of directors, upon all matters, shall be conclusive, unless the action be instituted within six months after such findings or conclusion was made, except as otherwise provided in this act.

Contest limitations

SEC. 57. Section 50 of said act is amended to read:

Sec. 50. The boundaries of said district may be changed to include within said district additional land whether contiguous or not as hereinafter in this act provided, and the inclusion within said district of such lands shall be deemed to effect a change of the boundaries of said district; but no change in the boundaries of said district shall impair or affect its organization or its right in or to property, or any of its rights or privileges of whatever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Boundary changes

Whenever additional land is included within said district, whether contiguous or not, the inclusion may be upon such reasonable terms and conditions as said district determines.

SEC. 58. Section 51 of said act is amended to read:

Sec. 51. The holder or holders of title, or a majority of the holders of title, of any tract or parcel of land contiguous or noncontiguous to the boundaries of said district, and within the County of Orange, may file in the office of the board of

Petition for inclusion of territory in district

directors of said district, a petition praying that said tract or parcel of land be included within said district; provided, that if there is more than one holder of title of said land, the petitioners must include the holders of title of at least one-half of the area of said land. If any petitioner is the owner of an undivided interest in any land described in the petition, he shall be deemed to be the owner of such proportion of the area of the land in which he has an interest as his interest bears to the whole of such land. Each signature to such petition shall be acknowledged as provided by law for signatures to an instrument to entitle it to be recorded.

SEC. 58.5. Section 52 of said act is amended to read:

Notice of petition

Sec. 52. The secretary of the board of directors shall cause a notice of the filing of said petition to be given and published in the same manner and for the same time as notices of election of directors as required in Section 14 hereof. The notice shall state the purpose of the petition and describe the boundaries of the tract of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of said land within the district to appear at the office of said board at a time named in said notice for the hearing of said petition, and objections thereto and show cause in writing, if any they have, why said land or any of it should not be included as proposed in said petition. The time to be specified in the notice for the hearing of said petition and any objections thereto shall be the regular meeting of the board next after the expiration of the time for the publication of said notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of said notice, otherwise the secretary shall refuse to publish the same.

SEC. 58.6. Section 57 of said act is amended to read:

Election to determine boundary change

Sec. 57. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which said election shall be held, and cause notice thereof to be given and published. Said notice shall be given and published, and said election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act for the holding of an election for directors. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

SEC. 59. Section 64 of said act is amended to read:

Re-establishment of divisions and election precincts

Sec. 64. In case land is included within the district as aforesaid, the board of directors thereof, not less than 30 days before any election in said district thereafter, shall re-establish the boundaries of the divisions and election precincts within said

district, so as to include said land therein and so as to make said divisions as nearly equal in area as may be practicable. In case of the inclusion of any land less than 30 days before an election within said district, the inhabitants of the land so included shall not be entitled to vote at said election. Such included land shall become part of existing divisions of said district and by inclusion of additional lands the number of the divisions of said district or the number of directors of said district shall not be changed.

SEC. 60. Section 68 of said act is amended to read:

Hearing of petition

SEC. 68. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any person interested in said district to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

SEC. 61. Section 69 of said act is amended to read:

Determination on petition

SEC. 69. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; provided, that it shall be the duty of said board to order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which in the judgment of the board will not be benefited by the operations of the district

Repeal

SEC. 62. Section 70 of said act is repealed.

SEC. 63. Section 74 of said act is amended to read:

Obligations and liens against excluded territory

Sec. 74. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of the district the same as though said petition for its exclusion had never been filed or said decree of execution never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of the district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of the district of the petition for the exclusion of said lands from the district.

Obligations incurred after filing of petition for exclusion

Rights of district unaffected by this act

SEC. 64. Nothing contained in this act does, nor shall the same be construed to, grant any new or additional rights or powers to, nor impair any existing rights of, the Orange County Water District as against any property or water rights in the Counties of San Bernardino and Riverside, either with respect to rights to appropriate water, the taking of property, the power of eminent domain, the right to intervene in litigation, or the right to act as against such property or water rights within said Counties of San Bernardino and Riverside.

Severability clause

SEC. 65. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 771

An act to amend Sections 4280, 4314, 4315, and 4316 of, and to add Sections 4316.5 and Article 8 5 to Chapter 17 of Division 6 of the Agricultural Code, relating to fluid milk and fluid cream.

In effect September 9, 1953

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 4280 of the Agricultural Code is amended to read:

4280. Each stabilization and marketing plan shall contain provisions for prohibiting distributors and retail stores from engaging in the unfair practices hereinafter set forth: Unfair practices

(a) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(b) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream business of any customer.

(c) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream of like quantity under like terms and conditions.

(d) The false or misleading advertising of fluid milk or fluid cream as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code.

(e) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such producer or association of producers stating the amount of fluid milk to be purchased for any period. The quantity of such milk to be paid for as Class 1 in pounds of milk or pounds of milk fat or gallons of milk, and the price to be paid for all milk received, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class. The contract shall also state the date and method of payment for such fluid milk, which shall be that payment shall be made for approximately one-half of the milk delivered in any calendar month not later than the first day of the next following month and the remainder not later than the fifteenth day of said month, the charges for transportation if hauled by the distributor, and may contain such other provisions as are not in conflict with this chapter, and shall contain a proviso to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at the minimum price for fluid milk that is used for Class 3, as said class is defined in Section 4228. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution. The provisions of this subdivision relating to dates of payment shall not apply to contracts for the purchase of fluid milk from nonprofit cooperative associations of producers.

(f) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream which is to be or is sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(g) The payment of a lesser price by a distributor to any producer for fluid milk or fluid cream which is distributed to any person, including agencies of the federal, state or local government, located upon property within the geographical limits of any marketing area for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk or fluid cream for said marketing area.

SEC. 2. Section 4314 of said code is amended to read:

Assessments Producers

4314. If the program is instituted by producers the director is hereby empowered to require producers to pay assessments of not more than five mills ($0.005) per pound milk fat, or if the program is instituted upon a gallonage basis not more than eighteen mills ($0 018) for each 10 gallons of fluid milk received by distributor, including the production of distributors who are also producers.

SEC. 3. Section 4315 of said code is amended to read:

Distributors

4315. If the program is instituted by distributors the director is hereby empowered to require distributors to pay assessments of not more than five mills ($0 005) per pound milk fat, or if the program is instituted upon a gallonage basis not more than eighteen mills ($0.018) for each 10 gallons of fluid milk received by distributors, including the production of distributors who are also producers.

SEC. 4. Section 4316 of said code is amended to read:

Producers and distributors Combined assessments

4316. If the program is instituted by both producers and distributors, the director is hereby empowered to require both producers and distributors to pay assessments for the purpose of providing funds for formulating, administering, and carrying on such program. The assessments to be paid by distributors shall not exceed five mills ($0.005) per pound milk fat, or if the program is instituted upon a gallonage basis not more than eighteen mills ($0.018) for each 10 gallons of fluid milk received by distributors including the production of distributors who are likewise producers. Assessments of not more than five mills ($0 005) per pound milk fat, or if the program is instituted upon a gallonage basis, not more than eighteen mills ($0.018) for each 10 gallons of fluid milk produced by producers and received by distributors, shall likewise be paid by producers. In no instance shall the combined assessments exceed ten mills ($0.010) per pound milk fat, or if the program is instituted upon a gallonage basis not more than thirty-six mills ($0.036) for each 10 gallons of fluid milk received from producers and processed by distributors for distribution in the marketing area in the form of whole milk, fluid cream, or manufactured dairy products derived from fluid milk.

SEC. 5. Section 4316 5 is added to said code, to read:

Not retroactive

4316 5. Sections 4314, 4315, and 4316 shall apply only to programs instituted under this article on or after the effective date of this section. The assessments for any program in effect under this article prior to said effective date shall continue to be as provided in said program unless and until modified as provided in Article 8 5 of this chapter.

SEC. 6. Article 8.5 is added to Chapter 17 of Division 6 of said code, to read:

Article 8.5. Amendment and Extension of Sales Stimulation and Consumer Education Programs

4325. Any program heretofore or hereafter instituted under Article 8 of this chapter may be amended to change the amount of the assessments, or to extend the period during which the program is to remain in effect, in the manner provided in this article. Amendments

4325.5. The persons administering such a program may make application to the director for a referendum on the question of changing the amounts of the assessments under the program, or the question of extending the period the program is to remain in effect, or on both such questions. If the application relates to a change in the assessments it shall state the maximum amounts to which the assessments are to be changed. If the application relates to the extension of a program it shall specify the date to which the program is to be extended. The maximum assessments shall in no event exceed those specified in Sections 4314, 4315, and 4316 Application for referendum

4326. Upon receipt of such an application the department shall prepare a ballot in substantially the form prescribed by this section: Ballots

BALLOT

"_____ MARKETING AREA—SALES STIMULATION AND CONSUMER EDUCATIONAL PROGRAM"

If the application is for a change in the amounts of the assessments under the program the ballot shall contain substantially the following:

"Shall the assessments under this program be increased from _____ mills to _____ mills per pound milk fat (or from _____ mills to _____ mills for each 10 gallons)? Yes _____. No _____."

If the application is for an extension of the period during which the program is to continue the ballot shall contain substantially the following:

"Shall the termination date of the program be extended from _____, 19___, to _____, 19___? Yes _____ No _____."

If the application is for both a change in the amounts of the assessments and an extension of the effective period of the program the ballot shall contain both questions.

Below the question or questions shall appear blanks for the signature and address of the producer, distributor, or producer-distributor.

4326.5. The ballots shall be mailed to each person from whom assessments are being collected under the program as shown by the then current records of the department. The ballots shall Mailing

contain or be accompanied by instructions to the persons eligible to vote as to how to mark the ballots. The instructions shall contain a statement that in order to be counted the ballots must be received by the department not later than a date specified in such instructions. The date shall be determined by the department but shall not be less than 30 days after the mailing of the ballots by the department.

Vote necessary

4327. Upon the expiration of the period during which ballots may be received the department shall determine the result If the program affects producers only the affirmative vote of not less than 65 percent of the producers voting on a question is required in order that the change may be made effective. If the program affects distributors only the affirmative vote of not less than 65 percent of the distributors voting on the question is required in order that the change may be made effective If the program affects both producers and distributors the affirmative vote of each as above provided shall be necessary.

4327.5. If the director determines that a sufficient vote has been cast in the affirmative upon the question or questions submitted pursuant to this article he shall, by order, declare the change in the program effective. A change in the rates of assessments shall become operative for the assessments for the next month following the order declaring the change effective.

CHAPTER 772

An act to repeal Chapter 5, Part 1, Division 2, Title 4 of, and add Chapter 5, Part 1, Division 2, Title 4 to, the Government Code, relating to the government of cities.

In effect September 9, 1953

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 5, Part 1, Divsion 2, Title 4 of the Government Code is repealed.

SEC. 2. Chapter 5 is added to Part 1, Division 2, Title 4 of said code, to read:

CHAPTER 5. REORGANIZATION OF FIFTH CLASS CITIES

Reorganization as sixth class city

34600. A city organized under the general laws relating to cities of the fifth class may reorganize as a city of the sixth class.

Resolution of intention

34601. The city council of a city of the fifth class may initiate proceedings to reorganize such city as a city of the sixth class by passing a resolution of intention to adopt a reorganization ordinance.

Publication

34602. The resolution of intention to adopt a reorganization ordinance shall be published at least once a week for two weeks in a newspaper of general circulation, printed and pub-

lished in the city. The resolution of intention shall contain a notice of the day, hour, and place the reorganization ordinance will be considered and approved or rejected by the city council. Publication shall be complete at least six days prior to the date set for consideration of the ordinance.

Hearing

34603. At the time and place set for consideration and approval or rejection of the ordinance the city council shall hear and consider all arguments for or against adoption of the ordinance.

Acceptance or rejection

34604. At the conclusion of the hearing, which may be continued from time to time by the city council for a period not to exceed one week, the city council may adopt or reject the reorganization ordinance.

Filing of ordinance

If the reorganization ordinance is approved and passed by the city council a copy of the ordinance shall be filed within 15 days after it is passed with the Secretary of State and the county recorder.

Officers

34605. On the effective date of the ordinance the officers of the reorganized city shall qualify by taking and filing with the city clerk the constitutional oath of office. After qualification of officers the city is a sixth class city. The officers of such reorganized city shall continue to hold office until the next general municipal election in sixth class cities and until their successors are elected and qualified. The provisions of Section 36504 of this code shall determine the terms of the first members of the city council elected after the adoption of the reorganization ordinance.

Property, etc

34606. The reorganization of a city pursuant to this chapter does not affect the title to any property held by the city, or in trust for the city, or any debts, liabilities, or obligations in favor of or against the city, or proceedings then pending.

Ordinances

34607. If city ordinances are not in conflict with laws relating to sixth class cities, reorganization does not affect them, or any liability incurred for their violation.

Money, books, etc

34608. Upon qualification of the elected officers, all persons in possession of the offices of the city shall surrender possession, and deliver to the new officers all money, books, papers, and other city property.

School districts. Governing boards

34609. Upon the effective date of the reorganization the city board of education shall cease to exist and the districts in which the city is situated shall continue as a city elementary school district and a union high school district as defined in the Education Code.

The union high school district shall be governed by a board consisting of the five members of the board of education of the city. The two members last elected shall serve for three years, and the remaining members shall determine by lot two members who shall serve for two years, and one member who shall serve for one year, from the first day of July preceding the effective date of the reorganization.

The city elementary school district shall be governed by a board consisting of five members of the city board of education

who reside within the city elementary school district. If five members reside within the city elementary school district, they shall be the members of the board. If less than five members reside within the city elementary school district, the county superintendent of schools shall appoint such number of trustees as are necessary to complete the board. The terms shall be so arranged that two members shall hold office for three years, two for two years, and one for one year. The appointed members shall draw lots for the shorter terms, and the elected members shall by lot determine the members to hold office for the longer terms from the first day of July preceding the effective date of the reorganization.

Their successors shall be elected as provided by the Education Code for city elementary school districts and union high school districts, respectively.

Contracts

34610. All contracts entered into by the city board of education prior to the effective date of the reorganization shall be binding obligations of the respective school district boards which succeed to the jurisdiction of the schools to which such contracts appertain.

CHAPTER 773

An act to amend Sections 29001, 29013, 29014, 29015.1 and 29022 of the Health and Safety Code, relating to dangerous drugs.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 29001 of the Health and Safety Code is amended to read:

"Dangerous drug"

29001. "Dangerous drug" means any drug unsafe for self-medication, except preparations of drugs defined in subdivisions (e), (f), (h), and (i) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

(j) Phenylhydantoin derivatives.

(k) Any drug which bears the legend: Caution: Federal law prohibits dispensing without prescription.

(*l*) Hypnotic drugs when combined and compounded with nonhypnotic drugs.

SEC. 2. Section 29013 of said code is amended to read:

29013. The board shall supply a book at cost of serially numbered triplicate hypnotic drugs purchase order forms to physicians, dentists, chiropodists, and veterinarians licensed to practice in this State and to each person licensed under the provisions of Section 29012 Purchase order forms

SEC. 3. Section 29014 of said code is amended to read:

29014. Physicians, dentists, chiropodists, veterinarians, and licensees shall execute hypnotic drugs purchase order forms in triplicate, showing date, name of supplier, name and quantity of hynotics ordered and signature, license number and address of licensee. The original and duplicate orders shall be forwarded to the supplier, who shall forward the duplicate order to the licensing board under which the purchaser is licensed within 30 days after receipt thereof, and the triplicate of the order kept on the file of the purchaser for at least three years. Within a reasonable time after any purchaser except a whole saler in this State gives any order to, or makes any contract or agreement for purchases from or sales by, any out-of-state person of any hypnotic drug for delivery in this State, the purchaser shall forward the original order to the out-of-state person, forward a duplicate of such order, contract or agreement for such purchase to the licensing board under which the purchaser is licensed, and retain a triplicate for not less than three years. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use. Each licensing board shall have exclusive jurisdiction to administer and enforce this section as to its licensees.

SEC. 4. Section 29015 1 of said code is amended to read:

29015.1. This division does not require a license from and shall not apply to or interfere with a physician, dentist, chiropodist or veterinarian in administering hypnotic drugs to his own patients. Such hypnotic drugs shall be administered only by the physician, dentist, chiropodist or veterinarian. Exemptions

SEC. 5. Section 29022 of said code is amended to read:

29022. No prescription for any dangerous drug may be refilled except upon authorization of the prescriber which may be given orally or at the time of giving the original prescription. Prescription refills

CHAPTER 774

An act to amend Section 6c of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, and to amend Section 72301 of the Government Code, relating to municipal courts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 6c of the act cited in the title hereof is amended to read as follows:

Municipal Courts. Hours of business

Sec. 6c. In a city or city and county of the first class one division of said court may remain open and in session for the transaction of any and all business which may come before said division in the exercise of the criminal jurisdiction of such municipal court or a judge thereof, at such hours of the day or night, or both, as may be prescribed by the judges of said court; and it is expressly provided that the provision of Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court must be open for the transaction of judicial business on any of the holidays mentioned in Section 10 of the Code of Civil Procedure, shall not apply to such municipal courts while exercising their jurisdiction as required by the provisions of this section. The clerk of said court or one or more deputy clerks shall be in attendance at said division at all hours of the day and night, including Sundays and holidays, and shall have authority to fix and accept bail for the appearance before said court of any defendant charged in such court with an offense of which the court has jurisdiction; provided, the amount thereof shall be in accordance with a schedule of bail in such cases previously fixed and approved by the judges of said court at their annual meeting, unless a warrant shall have been issued for the arrest of the defendant, in which case the bail shall be in the amount fixed in the warrant; and provided also, the bail shall be cash, negotiable United States Treasury bonds, or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code of the State of California.

Clerks Authority to accept bail

In any case where a defendant has been arrested for felony upon a warrant issued by a judge of such municipal court, the clerk may, under like conditions, accept bail in the amount fixed in the warrant.

The authority to accept bail as in this section provided shall include authority to approve the same, to issue and sign an order for the release of the defendant, and to set a time and

place for the appearance of the defendant before the appropriate division or judge of such court and give the defendant notice thereof.

SEC. 2. Section 72301 of the Government Code is amended to read:

72301. The clerk of the court or one or more deputy clerks shall be in attendance at the department at all hours of the day and night, including Sundays and holidays, and may fix and accept bail for the appearance before the court of any defendant charged in the court with an offense of which the court has jurisdiction The amount of bail shall be pursuant to a schedule of bail in such cases previously fixed and approved by the judges of the court at their annual meeting If a warrant has been issued for the arrest of the defendant, the bail shall be in the amount fixed in the warrant. The bail shall be cash, negotiable United States Treasury bonds, or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code. Same

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CHAPTER 775

An act to amend Section 9607.2 of, to add Section 9607.3 to, and to amend Section 9643 of, the Education Code, relating to education of physically handicapped minors.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 9607.2 of the Education Code is amended to read:

9607.2. The governing board of any school district and the county superintendent of schools of any county maintaining a school or special day classes for minors who are cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped may enter into an agreement for the education, under such terms and conditions as are set forth in such agreement, by such county superintendent of schools of such minors residing in the district. Physically handicapped minors Agreements to educate

SEC. 2. Section 9607.3 is added to said code, to read:

9607.3. The governing board of any school district may enter into an agreement with the county superintendent of schools for the education in remedial classes of physically handicapped pupils who are excused from regular classes for a portion of a class period. The cost of such education to the school district shall not exceed the actual cost thereof to the county superintendent of schools. Remedial classes Costs

SEC. 3. Section 9643 of said code is amended to read:

9643. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall Day of attendance

constitute a day of attendance Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance.

CHAPTER 776

An act to repeal Section 1411 of the Probate Code, relating to alien guardians.

In effect September 9, 1953

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 1411 of the Probate Code is repealed.

CHAPTER 777

An act to amend Section 13442 of the Education Code, relating to the payment of expenses of teachers' institutes.

In effect September 9, 1953

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 13442 of the Education Code is amended to read:

Expenses of county institute

13442. Each county superintendent of schools shall draw his requisition upon the county auditor, who shall draw his warrants proportionately on the county school service fund to pay the expenses of the county institute.

CHAPTER 778

An act to amend Section 1550 of the Welfare and Institutions Code, relating to the eligibility procedure for needy children.

In effect September 9, 1953

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 1550 of the Welfare and Institutions Code is amended to read:

Application for aid

1550 Except as provided in Section 1557 of this code, application for aid in behalf of any child shall be made to the county in which he is living at the time of application. The county shall promptly investigate all applications in the manner and on forms prescribed by the State Department of Social Wel-

fare. Every application for and in behalf of any child shall be verified under oath, or shall contain a written declaration that it is made under the penalties of perjury. Any person signing any application containing such declaration who wilfully states therein as true any material matter which he knows to be false is subject to the penalties prescribed for perjury in the Penal Code of this State. The county shall approve or deny such application. If the investigation is not completed within 60 days, the investigation shall continue until completed, and if eligibility is established, aid shall begin as of the first day of the month in which eligibility is established or as of the first day of the month following the end of the 60-day period, whichever is earlier.

Perjury

Commencement date

CHAPTER 779

An act to amend Sections 303.1, 304 and 307, of, and to add Section 308.1, to the Vehicle Code, relating to suspension and revocation of the privilege of operating a motor vehicle upon a highway.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 303.1 of the Vehicle Code is amended to read:

303.1. Suspension or Revocation Upon Conviction in Another State. The department may, in its discretion, suspend or revoke the license of any resident of this State or the privilege of a nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of such person within the United States or its territories or the Dominion of Canada of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

Suspension or revocation of license for out-of-state conviction

SEC. 2. Section 304 of the Vehicle Code is amended to read:

304. Grounds Requiring Revocation by Department. (a) The department shall immediately revoke the privilege of any person to operate a motor vehicle upon a highway upon receipt of a duly certified abstract of the record of any court showing that such person has been convicted of any of the following crimes or offenses:

Revocation of license required

(1) Manslaughter resulting from the operation of a motor vehicle.

Grounds

(2) Driving when addicted to the use, or under the influence of a narcotic drug under Section 506 (a) hereof.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 480 hereof.

(4) Theft or unlawful taking of a vehicle in violation of Section 503 of this code, or grand theft of a motor vehicle.

(5) Upon three or more convictions upon violation of Sections 481, or 505 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(6) Any felony in the commission of which a motor vehicle is used, except as provided for in Section 307.

Renewal

(b) The privilege revoked under subdivision (a) hereof shall not be renewed until the expiration of one year after the date of such revocation and until the person whose privilege was so revoked gives proof of ability to respond in damages as provided in this code.

SEC. 3. Section 307 of the Vehicle Code is amended to read:

Suspension or revocation for driving while intoxicated

307. Suspension or Revocation of License Upon Conviction of Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor. (a) The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon a highway upon receipt of a duly certified abstract of the record of any court showing that such person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor. The suspension or revocation shall be as follows:

Duration

1. Upon a first such conviction other than under Section 501 such privilege shall be suspended for a period of 90 days, unless the court in case of the first conviction only suspends the license under authority of Section 292 or recommends no such suspension.

2. Upon a first such conviction under Section 501 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as provided in this code.

3. Upon a second such conviction within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as provided in this code.

4. Upon a third or subsequent such conviction within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as provided in this code.

Commencement

(b) Every such suspension shall begin to run from the date the license is surrendered to the judge as hereinafter required or if for any reason the license is not surrendered to the judge at the time of conviction the suspension shall run from the date the licensee is notified of the suspension by the department.

Surrender of license

(c) Any court in which any person is convicted of operating a motor vehicle while under the influence of intoxicating liquor, shall, unless the court, in case of the first suspension only, recommends to the department that there be no license suspension, require the surrender to it of any operator's or chauffeur's license held by such person and the court shall thereupon forward any said license to the department.

(d) Nothing in this section as amended shall change any suspension or revocation made under the authority of this section prior to the amendment hereof. Not retroactive

SEC. 4. Section 308.1 is added to the Vehicle Code, to read:

308.1. Suspension for Failure to Surrender License Erroneously Issued. The department may require the surrender to it of any operator's or chauffeur's license which has been issued erroneously or which contains any erroneous or false statement, or which does not contain any notation required by law or by the department. In the event a licensee does not surrender such license upon proper demand, the department may suspend such licensee's privilege to operate a motor vehicle upon a highway. Such suspension shall continue until the correction of said license by the department or until issuance of another license or temporary license in lieu thereof. License issued erroneously, etc

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CHAPTER 780

An act to amend Section 248 of the Vehicle Code, relating to fees imposed on automobile wreckers.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 248 of the Vehicle Code is amended to read:

248. Fees to Be Paid by Automobile Wreckers: When Payable. (a) All fees required to be paid by an automobile wrecker, in accordance with this code, for any certificate or license, or special set of plates, shall be paid at the time application is made to the department therefor. Fees When payable

(b) The fees for a license or certificate and special plates issued to automobile wreckers shall be: Amount

(1) For the certificate or license and the first set of special plates where in the discretion of the department an investigation is necessary $55.00

(2) For the first set of special plates where no investigation is necessary, or upon annual renewal $5.00

(3) For each additional set of special plates $3.00

(c) Should an automobile wrecker make application for registration or special plates as a dealer, then in that event he shall pay such additional fees as are set forth under Section 375.

CHAPTER 781

An act to add Section 36.5 to, and to amend Section 697 of, the Vehicle Code, relating to length and height of vehicles.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 36.5 is added to the Vehicle Code, to read:

"Drawbar"

36.5. "Drawbar." A "drawbar" is a rigid structure forming a connection between a trailer and a towing vehicle, securely attached to both vehicles by nonrigid means and carrying no part of the load of either vehicle.

SEC. 2. Section 697 of said code is amended to read:

Height and length of vehicles

697. Height and Length of Vehicles. (a) No vehicle or any load upon a vehicle shall exceed a height of 13 feet 6 inches measured from the surface upon which the vehicle stands.

(b) No vehicle shall exceed a length of 35 feet.

(c) No combination of vehicles coupled together shall exceed a total length of 60 feet.

(d) Any extension or device used to increase the carrying capacity of a vehicle shall be included in measuring the length of such vehicle but this shall not apply to a drawbar between two vehicles. This shall not be construed as extending the length of a train of vehicles as provided for in paragraph (c).

CHAPTER 782

An act to amend Sections 673.5 and 674 of the Vehicle Code, relating to vehicles and the exhaust products, and equipment thereof.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 673.5 of the Vehicle Code is amended to read:

Exhaust products

673.5. Exhaust Products. No motor vehicle shall be operated in a manner resulting in the escape of excessive smoke, flame, gas, oil, or fuel residue.

SEC. 2. Section 674 of the Vehicle Code is amended to read:

Mirrors

674. Mirrors. (a) Any motor vehicle which is so constructed or loaded, or when towing any vehicle which is so constructed or loaded, as to obstruct the driver's view to the rear thereof from the driver's position, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

(b) Any motor vehicle registered in this State after January 1, 1954, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

CHAPTER 783

An act to amend Sections 315 and 319 of the Vehicle Code, relating to the authority of the Department of Motor Vehicles to suspend, revoke or issue probationary drivers' licenses.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 315 of the Vehicle Code is amended to read:

315. Department Action Upon Investigation, Re-examination, or Refusal of License. On the conclusion of an investigation or re-examination as authorized in Section 314, the department may take action as provided either in subdivision (a) or (b) of this section.

Suspension, revocation, etc., of license hearing

(a) Whenever the department determines upon any such investigation or re-examination that any of the grounds for such re-examination stated in subdivision (a) of Section 314 are true, or that the safety of such person or other persons upon the highways requires such action the department may give to the person subjected to such investigation or re-examination and whose license it proposes to revoke, suspend, or in respect to whom it proposes to impose terms of probation, or whenever it proposes to reject an application for a license, notice and an opportunity to be heard before taking such action. In such case the department shall give notice of its proposed action by a statement setting forth the proposed action and the grounds therefor, and notify the person of his right to a hearing as hereinafter provided or the department, at the time it gives notice of its intention to act may set the date of hearing, giving 10 days' notice thereof.

Notice

(b) In the alternative and in the event the department determines upon any such investigation or re-examination that the safety of the person subject to such investigation or re-examination or other persons upon the highways require such action, the department shall forthwith and without hearing suspend the privilege of such person to operate a motor vehicle upon a highway or revoke such privilege or impose reasonable terms and conditions of probation which shall be relative to the safe operation of a motor vehicle by the licensee. No such order of suspension or revocation or the imposition of terms or conditions of probation shall become effective until 10 days after the giving of written notice thereof to the person affected.

Alternative method

Effectiveness Time

except that the department shall have authority to make any such order effective immediately upon the giving of notice when in its opinion because of the mental or physical condition of such person such immediate action is required for the safety of the driver or other persons upon the highways.

SEC. 2. Section 319 of the Vehicle Code is amended to read:

Probation

319. Probation. (a) Whenever by any provision of this code the Department of Motor Vehicles has discretionary authority to suspend or revoke any operator's or chauffeur's license, the department shall have authority in lieu of such suspension or revocation to place the licensee on probation, issuing a probationary license pursuant to such reasonable terms as shall be deemed by the department to be appropriate.

Modification

(b) The department shall have authority to terminate or to modify the terms or conditions of any order of probation whenever good cause appears therefor.

Withdrawal

(c) The department upon receiving satisfactory evidence of a violation of any of the terms or conditions of probation granted under Section 314 of this code, may withdraw the probationary license and order the suspension or revocation of the privilege of operating motor vehicles extended to the licensee.

Termination

(d) Unless probation was imposed for a cause which is continuing, the probationer, after not less than one year, may request in writing the termination of the probation and the return of his regular license. Upon a showing that there has been no violation of the terms or conditions of the probation for a period of one year immediately preceding such request, the department shall terminate such probation and either restore to the licensee his regular license or require an application for a new license.

CHAPTER 784

An act to amend Sections 180.5 and 186 of the Vehicle Code, relating to transfer of registration.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 180.5 of the Vehicle Code is amended to read:

Transferee of security interest
Transfer of registration

180.5. (a) When Transferee Need Not Apply for Transfer. The transferee of a security interest in a registered vehicle pursuant to a trust receipt transaction, as defined in the Civil Code, who has possession of the certificate of ownership issued for such vehicle, if such certificate of ownership has been issued need not make application for a transfer of registration by reason of any provision of Sections 179 or 180 hereof; and the provisions of the Uniform Trust Receipts Law, contained in Sections 3012 to 3016.16 of the Civil Code, shall exclusively control the validity of the transferee's security interest.

(b) The transferee of a security interest in the interest of a legal owner of a registered vehicle need not make application for a transfer of registration by reason of Sections 179 or 180 hereof when such security interest arises from a pledge of a conditional sale contract, lease agreement, or chattel mortgage by any such legal owner to such transferee.

SEC. 2. Section 186 of said code is amended to read:

186. Transfer of Title or Interest. (a) No transfer of the title or any interest in or to a vehicle registered hereunder shall pass and any attempted transfer shall not be effective unless and until the parties thereto have fulfilled either of the following requirements: Transfer of title Conditions

(1) The transferor shall have made proper endorsement and delivery of the certificate of ownership and delivery of the registration card to the transferee as provided in this code and the transferee has delivered to the department or has placed in the United States mail addressed to the department such certificate and card when and as required under this code with the proper transfer fee and thereby makes application for a transfer of registration except as otherwise provided in Section 180, or

(2) The transferor shall have delivered to the department or shall have placed in the United States mail addressed to the department the appropriate documents for the registration or transfer of registration of such vehicle pursuant to such sale or transfer except as provided in Section 178.

(b) The conditions of subdivisions (a) of this section shall not apply to involuntary transfers as upon repossession by a vendor under a conditional contract of sale or to transfers with respect to chattel mortgage liens subject to Chapter 3 of this division. Exceptions

(c) The conditions of subdivisions (a) of this section shall not apply to a transfer of a security interest in the interest of a legal owner of a registered vehicle when such security interest arises from a pledge of a conditional sale contract, lease agreement, rental agreement or chattel mortgage by a legal owner to such transferee.

CHAPTER 785

An act to add Sections 45 and 46 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary) Session, Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 45 is added to the Construction and Employment Act, to read:

Allocations to cities incorporated after January 1, 1953, and before March 31, 1953

Sec. 45. Cities incorporated on or after January 1, 1953, and before March 31, 1953, may apply for an allocation from the appropriation made in Section 46 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 January 1, 1953, and before March 31, 1953. 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 46 is added to said act, to read:

Appropriation

Sec. 46 The sum of one hundred six thousand dollars ($106,000) 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 45 of this act in making allocations to cities incorporated on or after January 1, 1953, and before March 31, 1953.

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 786

An act to add Section 38 to Chapter 47 of the Statutes of 1944, Second Extraordinary Session, relating to postwar public works programs, making an appropriation to be allocated to newly incorporated cities, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 38 is added to the act cited in the title hereof, to read:

Appropriation

Sec. 38. The sum of eighteen thousand dollars ($18,000) is hereby appropriated out of any money in the Postwar Unem-

ployment 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 January 1, 1953, and before March 31, 1953.

Allocation to cities incorporated after January 1, 1953, and before March 31, 1953

Cities incorporated on or after January 1, 1953, and before March 31, 1953, 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 January 1, 1953, and before March 31, 1953. 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 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 787

An act making an appropriation for construction, improvements, and equipment for the State Agricultural Society, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

Appropriation State Agricultural Society

SECTION 1. Fifty thousand dollars ($50,000) out of any money 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 is hereby appropriated to the State Agricultural Society for construction, improvement, and equipment for remodeling poultry building, to be expended under the provisions of the Budget Act of 1952.

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 Article IV of the State Constitution, and shall therefore go into immediate effect. The facts constituting the urgency are:

The ever-increasing demand for exhibit space at the California State Fair and the present madequate provision for the proper showing of the exhibits of art of this State. In order to have such facilities available for the 1953 California State Fair, it is necessary that this act take effect immediately.

CHAPTER 788

An act to amend Section 43001 of the Government Code, relating to tax liens of cities.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 43001 of the Government Code is amended to read:

Tax liens

43001. Taxes assessed, penalties for delinquency, and costs of collection are liens on the property assessed. Taxes upon personal property are liens upon the owner's real property to the extent permitted in the case of county taxes by Chapter 2, Part 4, Division 1 of the Revenue and Taxation Code.

CHAPTER 789

An act to amend Sections 31503, 31552, 31553, 31554, 31555, 31557, 31558, 31729, and 31782 of, to repeal Section 31645.5 of, and to add Section 31552.1 to, the Government Code, relating to retirement for county employees.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 31503 of the Government Code is amended to read:

Supersedes previously established retirement system

31503. A retirement system established pursuant to this chapter shall supersede any previously established county pension system.

SEC. 2. Section 31552 of the Government Code is amended to read:

Members:

31552. All existing officers and employees of the county become members of the association on the day the retirement system becomes operative, and thereafter each person entering the county employ becomes a member on the first day of the calendar month following his entrance into the service.

SEC. 3. Section 31552.1 is added to the Government Code, to read:

31552.1. On the first day of the calendar month after this section takes effect all existing officers and employees of the county, who, because of the provisions of Section 31552 prior to its amendment in 1953, were not members, become members on that day.

SEC. 4. Section 31553 of the Government Code is amended to read:

Elective officers Declaration

31553. Elective officers become members of the retirement association on the first day of the calendar month following the filing of a declaration with the board to become a member. The declaration shall be filed within 90 days after:

(a) First taking office.

(b) The effective date of a system established pursuant to this chapter.

(c) First being brought within the field of membership. Every such declaration filed prior to May 21, 1946, is validated, confirmed, and declared to be of full force and effect from and after the date on which it was filed.

SEC. 5. Section 31554 of the Government Code is amended to read:

Officers and attaches of superior court

31554. All officers and attaches of the superior court established within the county, except judges and participants in any other pension system, become members of the association on the first day of the calendar month after the board of supervisors adopts by four-fifths vote a resolution providing for their inclusion. Thereafter each person entering such employ becomes a member on the first day of the calendar month following his entrance into the service of the court.

In this section "officer or attache of the superior court" includes all commissioners, photographic reporters who are paid salaries or per diems by the county and whose contributions are based upon such salaries or per diems, secretaries, stenographers, investigators, messengers, or other employees of the court.

SEC. 6. Section 31555 of the Government Code is amended to read:

Officers and attaches of municipal court

31555. All officers and attaches of any municipal court established within the county under the Municipal Court Act of 1925 or Municipal and Justice Court Act of 1949, except judges, become members of the association on the first day of the calendar month after the board of supervisors adopts by four-fifths vote a resolution providing for their inclusion. Thereafter each person entering such employ becomes a member on the first day of the calendar month following his entrance into the service of the court.

SEC. 7. Section 31557 of the Government Code is amended to read:

Officers and employees of district

31557. All officers and employees of any district become members of the association on the first day of the calendar month after the board of supervisors adopts by four-fifths vote,

or in the case of districts for which the board of supervisors is not the governing body, after the governing body adopts by a two-thirds vote, a resolution providing for the inclusion of the district in the retirement association. Thereafter each person entering such employ becomes a member on the first day of the calendar month following his entrance into the service.

SEC. 8. Section 31558 of the Government Code is amended to read:

Safety members

31558 All existing members of a pension system established pursuant to either Chapter 4 or Chapter 5 and all employees eligible as safety members who at the time of entering service elected to become members of this system who, on or before December 31, 1953, elect by written notice filed with the board to become safety members, shall become safety members on January 1, 1954, and thereafter each person not over 35 years of age when employed in a position, the principal duties of which consist of active law enforcement or active fire suppression, as defined in Sections 31469.3, 31470.2, and 31470.4, shall become a safety member on the first day of the calendar month following his entrance into the service. The sheriff and undersheriff shall become a safety member on the first day of the calendar month following his entrance into the service, regardless of age.

Repeal

SEC. 9. Section 31645.5 of the Government Code is repealed.

SEC. 10 Section 31729 of the Government Code is amended to read:

Medical examinations of disability beneficiaries

31729 The board may require any disability beneficiary under age 55 to undergo medical examination. The examination shall be made by a physician or surgeon appointed by the board at the place of residence of the beneficiary or other place mutually agreed upon Upon the basis of the examination the board shall determine whether the disability beneficiary is still physically or mentally incapacitated for service in the office or department of the county or district where he was employed and in the position held by him when retired for disability.

SEC. 11. Section 31782 of the Government Code is amended to read:

Change of beneficiaries

31782 The nomination of a beneficiary under this system, other than nominations under optional settlements 2, 3 and 4, may be revoked at the pleasure of the person who made it and a different beneficiary nominated by written designation duly executed and filed with the board.

CHAPTER 790

An act to add Sections 31560, 31664.6, and 31678 to the Government Code, relating to retirement for county employees.

In effect September 9, 1953

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953]

The people of the State of California do enact as follows:

SEC. 2. Section 31560 is added to the Government Code, to read:

31560. A safety member shall remain a safety member only while the principal duties of his position consist of active law enforcement or active fire suppression as defined in Sections 31469 3, 31470 2, and 31470.4. While holding any other position in county service he shall remain a member but not a safety member. Safety members

SEC. 3. Section 31664.6 is added to the Government Code, to read:

31664.6. If a member retires with credit for time during which he was not a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, he shall receive: Time credit

(a) A retirement allowance calculated pursuant to Section 31664 for time during which he was a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, plus

(b) A retirement allowance calculated pursuant to Article 8 of this chapter for time during which he was neither a safety member nor a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part.

SEC. 4 Section 31678 is added to the Government Code, to read:

31678. If a member retires with credit for time during which he was a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, he shall receive: Amount of retirement allowance

(a) A retirement allowance calculated pursuant to this article for time during which he was neither a safety member nor a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part.

(b) A retirement allowance calculated pursuant to Section 31664 for time during which he was a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part

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CHAPTER 791

An act to amend Section 31671 of the Government Code, relating to retirement for county employees.

[Approved by Governor May 21, 1953 Filed with Secretary of State May 22, 1953] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 31671 of the Government Code is amended to read:

31671. At the expiration of two years after a retirement system established pursuant to this chapter becomes operative, every member, except an officer holding an elective office, who has attained age 70 shall be retired forthwith Thereafter, a member, except an officer holding an elective office, shall be Time of retirement

retired as of the first day of the calendar month next succeeding that in which he attains age 70. Every officer holding an elective office shall be retired at the end of the first term to which he is elected which commences on a date following his seventieth birthday.

CHAPTER 792

An act to amend Section 16482 of the Education Code, relating to the testing of the sight and hearing of public school pupils.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 16482 of the Education Code is amended to read:

Sight and hearing tests

16482. The governing board of any school district shall, subject to Section 16483, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district, or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the State Board of Education, or by contract with a duly authorized agency, or accredited schools or colleges of optometry, osteopathy, or medicine. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be purchased or rented by governing boards of school districts. The State, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

CHAPTER 793

An act to amend Section 204 of the Code of Civil Procedure, relating to jurors.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 204 of the Code of Civil Procedure is amended to read:

Jury lists.

204. In the month of January in each year it shall be the duty of the superior court in each of the counties of this State to make an order designating the estimated number of grand jurors and also the number of trial jurors, that will, in the

opinion of said court, be required for the transaction of the business of the court, and the trial of causes therein, during the ensuing year; and immediately after said order designating the estimated number of grand jurors shall be made, the court shall select and list the grand jurors required by said order to serve as grand jurors in said superior court during the ensuing year, or until new lists of jurors shall be provided, and said selections and listings shall be made of men and women suitable and competent to serve as jurors, as set forth and required in Sections 205 and 206 of this code, which list of persons so selected shall at once be placed in the possession of the county clerk; and immediately after said order designating the estimated number of trial jurors shall be made, the board of supervisors shall select, as provided in Sections 205 and 206 of this code, a list of men and women to serve as trial jurors in the superior court of said county during the ensuing year, or until a new list of jurors shall be provided.

Particular counties

In counties and cities and counties having a population of 80,000 inhabitants or over, such selection shall be made by a majority of the judges of the superior court; provided further, that in counties of the first class, where a session or sessions of the superior court are held in cities other than the county seat, it shall be the duty of the judge presiding in each such respective session, to make an order in the manner and within the time above specified, designating the estimated number of trial jurors that will, in his opinion, be required for the transaction of the business of said session of said court and the trial of causes therein during the ensuing year, or until new lists of jurors shall be provided, and it shall also be the duty of said judge to make such selections and listings of men and women suitable and competent to serve as jurors from men and women residing within the judicial district within which said city is located.

Provided further, that in counties and cities and counties having a population of 300,000 inhabitants or over, such order designating the number of trial jurors, and such selections and listings of men and women suitable and competent to serve as trial jurors, shall be made by a majority of the judges of the superior court and shall be made in the months of January and July of each year, or in the December and June immediately preceding said months.

CHAPTER 794

An act to amend Section 69955 of the Government Code, relating to the reporting notes taken by court reporters.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 69955 of the Government Code is amended to read:

Reporting notes

69955. The reporting notes of both official and pro tempore court reporters are official records of the court and shall be kept by the reporter taking the notes in such place or places as may be designated by the court, or, upon order of the court, filed with the county clerk.

Unless otherwise directed by an order of the court in a specific case or cases, an official or pro tempore court reporter may destroy the reporting notes taken by him, or the county clerk may destroy the reporting notes filed with him, five years after the taking of them.

CHAPTER 795

An act to amend Section 1023 of the Code of Civil Procedure, relating to the fees of referees.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1023 of the Code of Civil Procedure is amended to read:

Referees' fees

1023. The fees of referees are such reasonable sum as the court may fix for the time spent in the business of the reference; but the parties may agree, in writing, upon any other rate of compensation, and thereupon such rates shall be allowed.

CHAPTER 796

An act to add Section 1597.3 to the Education Code, relating to bonded indebtedness of annexed territory, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1597.3 is added to the Education Code, to read:

Annexation election

1597.3. Whenever territory which comprises the whole or part of a district and which is made a part of a unified district because of annexation of such territory to the city in which is situated all or part of such unified district by means of an election, such election shall constitute affirmative action taken by the residents of such territory for the purposes of Section 1597.1.

Application

This section applies to any such annexation to a city which was completed on or after November 20, 1952.

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 Article IV of the State

Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

A doubt has arisen as to the proper interpretation of Section 1597.1 of the Education Code. In order that the intention of said section may be properly clarified prior to the effective date of recent annexations, it is necessary that this act take effect immediately.

CHAPTER 797

An act to amend Section 2209 of the Education Code, relating to travel expenses for board members.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2209 of the Education Code is amended to read:

Travel expenses of members of school district governing board

2209. Each member of the governing board of a school district may be allowed for travel necessary to attend annual, regular monthly, and special meetings of the governing board, the rate of mileage determined by the governing board but not to exceed ten cents ($0.10) a mile. Mileage shall not be allowed to any member to attend any meeting except for travel required in excess of 10 miles. Orders for travel allowances shall be drawn upon the funds of the district and signed by a majority of the governing board exclusive of the payee.

CHAPTER 798

An act to amend Section 5614 of the Streets and Highways Code, relating to sidewalk repairs.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5614 of the Streets and Highways Code is amended to read:

Notice of repairs

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

CHAPTER 799

An act to amend Sections 2606 and 2623 of the Revenue and Taxation Code, relating to the due date of the second half of taxes on real property.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

Real property taxes

SECTION 1. Section 2606 of the Revenue and Taxation Code is amended to read:

2606. The second half of taxes on real property on the secured roll is due February 1st.

SEC. 2. Section 2623 of the Revenue and Taxation Code is amended to read:

Penalties

2623. Prior to February 1st, the auditor shall:

(a) Compute and enter the delinquent penalty against all taxes on the secured roll not marked paid.

(b) Foot the penalties.

(c) Charge the tax collector with the total penalties due on the secured roll.

(d) Deliver the secured roll to the tax collector.

Operative date

SEC. 3. The provisions of this act shall only become operative as to taxes which become a lien on property on and after January 1, 1954.

CHAPTER 800

An act to amend Sections 123, 162, 2622, 2805, 2922, 3443, 4102, 4104.5, 4147, 4148, 4149, 4149.5, 4150, 4151, 4155, 4803, and 4834.5 of, and to add Sections 2612.5, 2910.5, 3798.1 and 4833 to, the Revenue and Taxation Code, relating to property taxation.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 123 of the Revenue and Taxation Code is amended to read:

"Amount of sold taxes"

123. "Amount of sold taxes" on property which has been sold to the State means the sum of the following amounts:

(a) The amount of taxes which were a lien on the real estate at the time of the sale.

(b) All other unpaid taxes of every description which were a lien on the property for the year of sale and for each year since the sale, as shown on the delinquent rolls for which the time of sale to the State is past, or, if the property was not assessed for any year, which would be shown on such delinquent roll if it had been assessed in that year; except that the unpaid taxes which would be shown on such delinquent roll

if the property had been assessed in any such year shall not be paid if the property was not assessed for any year because of having been acquired by the State or other public agency other than by tax deed. The amount of taxes for any year not assessed shall be based on the valuation required to be made by the assessor on redemption of unassessed property.

SEC. 2. Section 162 of the Revenue and Taxation Code is amended to read:

Fees chargeable by assessor, etc

162. The assessor, tax collector, auditor, and redemption officer shall, except where specifically prohibited by law, charge and collect a fee of one dollar ($1) for preparing each of the following documents:

(a) A certified copy of a redemption certificate.

(b) A certified copy of an installment redemption receipt.

(c) A certificate of payment showing taxes paid.

(d) A certified copy of an assessment as entered on the assessment roll.

The fee for providing a copy of a record or document by photographic process shall be the actual cost thereof plus the sum of one dollar ($1). The fee shall be placed in the county general fund.

SEC. 3. Section 2622 of the Revenue and Taxation Code is amended to read:

Secured roll

2622. Annually, on or before January 10th, the tax collector shall attend at the auditor's office with the secured roll.

SEC. 4. Section 2805 of the Revenue and Taxation Code is amended to read:

Application Material to accompany

2805. The application shall be accompanied by:

(a) The full amount of taxes and delinquent penalties on personal property and possessory interests which are a lien on the real property in the original assessment.

(b) An affidavit of interest.

(c) A fee of one dollar ($1) for each parcel to be separately valued, including the parcel remaining. The fee shall be placed in the county general fund.

SEC. 5. Section 2922 of the Revenue and Taxation Code is amended to read:

Taxes on unsecured roll. Delinquent date

2922. Taxes on the unsecured roll if unpaid are delinquent August 31st at 5 p.m., regardless of when the property is discovered and assessed, and thereafter a delinquent penalty of 8 percent attaches to them; provided, that taxes transferred to the unsecured roll under Section 2921.5 of this code shall not be subject to such 8 percent penalty, except where such taxes carried delinquent penalty on the "secured roll" at time the real estate involved was acquired by a political subdivision. If August 31st falls on Saturday, the time of delinquency is 5 p.m. on the next business day.

SEC. 6. Section 3443 of the Revenue and Taxation Code is amended to read:

Record of sale

3443. The redemption officer shall transmit the list of property sold to the assessor who shall enter on his records the fact and date of sale.

SEC. 7. Section 4102 of the Revenue and Taxation Code is amended to read:

Redemption Amount necessary

4102. The amount necessary to redeem shall be paid in lawful money of the United States and is the sum of the following:

(a) The amount of sold taxes.

(b) The delinquent penalties and costs which were a lien on the property at the time of the sale to the State.

(c) Redemption penalties.

(d) A redemption fee of two dollars ($2) on each separately valued parcel hereafter sold to the State.

SEC. 8. Section 4104.5 of the Revenue and Taxation Code is amended to read:

Transfer of powers and duties of redemption officer

4104.5. Whenever the powers and duties of the redemption officer are transferred pursuant to law from one county officer to a different county officer, all secured rolls, delinquent rolls, indexes, and any other records necessary to or intended for the proper performance of the duties of redemption officer shall be surrendered by the officer having custody thereof to the officer becoming the redemption officer.

At the time of the transfer the auditor shall charge the redemption officer with all unpaid taxes on the delinquent rolls.

SEC. 9. Section 4147 of the Revenue and Taxation Code is amended to read:

Redemption

4147. As provided in this chapter, any parcel of tax-sold property, or of tax-deeded property to which the right of redemption has not been terminated, contained in an assessment and having a separate valuation on the roll for the year for which it became tax delinquent and all subsequent years may be redeemed separately from the whole assessment.

SEC. 10. Section 4148 of the Revenue and Taxation Code is amended to read:

Amount of sold taxes

4148. The amount of sold taxes on the parcel is the amount which bears the same proportion to the amount of sold taxes on the whole assessment as the valuation of this parcel bears to the valuation of all real property, except possessory interest, in the assessment.

SEC. 11. Section 4149 of the Revenue and Taxation Code is amended to read:

Redemption amount

4149. The amount necessary to redeem the parcel is the sum of the following:

(a) The amount of sold taxes on the parcel

(b) Delinquent penalties and costs which were a lien on the parcel at the time of sale to the State computed on the amount of sold taxes on the parcel for that year.

(c) Redemption penalties computed on the amount of sold taxes on the parcel.

(d) A redemption fee of two dollars ($2) on each separately valued parcel hereafter sold to the State.

SEC. 12. Section 4149.5 of the Revenue and Taxation Code is amended to read:

Credit allowance

4149.5. Where delinquent taxes are being paid in installments on an assessment, and a parcel contained in the assessment

is separately redeemed under this chapter, there shall be credited on the amount necessary to redeem the parcel an amount which bears the same proportion to the total amount which has been paid in installments on the entire assessment as the valuation of the parcel bears to the valuation of all real property, except possessory interests, in the assessment.

SEC. 13. Section 4150 of the Revenue and Taxation Code is amended to read:

Description of property redeemed

4150. In all other respects, the redemption shall be made in the ordinary manner. On the margin of the record of the certificate of sale, or, if issued, the deed, along with the usual fact and date of redemption and the name of the redemptioner, the recorder shall note a description of the parcel redeemed under this chapter.

SEC. 14. Section 4151 of the Revenue and Taxation Code is amended to read:

Request for valuation Application

4151. Any person, other than a person whose name appears as assessee for any year for which the property is delinquent, claiming an interest, evidenced by presentation of a duly executed and recorded deed, purchase contract, deed of trust, mortgage, or final decree of court, in any parcel of tax-sold or tax-deeded property which does not have a separate valuation on the roll for the year for which it became tax delinquent or any subsequent roll, and who is not the owner or contract purchaser of the entire parcel as assessed, may apply to the redemption officer to have the parcel separately valued in order that it may be redeemed under this chapter.

SEC. 15. Section 4155 of the Revenue and Taxation Code is amended to read:

Separate valuation on current roll

4155. Except between the time when the second installment becomes delinquent and the time when property is sold to the State, if the parcel is not separately valued on the current roll, the assessor shall also transmit a separate valuation of the parcel to the officer having custody of the current roll, and the auditor shall place the valuation on the current roll and compute the taxes, penalties and costs thereon.

Proration

Current taxes and penalties on personal property and possessory interests which are a lien on the current roll on the whole assessment containing the property to be separately valued shall be prorated in the ratio that the assessed valuation of the parcel to be separately valued bears to the assessed valuation of all real property, except possessory interests, in the whole assessment.

SEC. 16 Section 4803 of the Revenue and Taxation Code is amended to read:

Notification of cancellation etc.

4803. When any sale to the State, certificate of sale, or deed to the State, is canceled or corrected under this part, the redemption officer shall immediately notify the Controller of the fact.

SEC. 17. Section 4834.5 of the Revenue and Taxation Code is amended to read:

Correction of clerical errors on delinquent roll

4834.5. Clerical errors on the delinquent roll may be corrected by the redemption officer with the written consent of the district attorney, and of the assessee or of the redemptioner, at any time before the State has disposed of the property. If the property has been tax-deeded, a new or amended deed to the State shall be issued pursuant to Section 4839. This section shall be construed as an additional procedure to that set forth in Sections 4946 to 4948, inclusive, of this code.

SEC. 18. Section 2612.5 is added to the Revenue and Taxation Code, to read:

Separate tax bills

2612.5. The tax collector shall issue separate tax bills for tax-sold property and property which is not tax delinquent.

Where tax-sold property and property which is not tax delinquent have been included or combined in one assessment, the tax collector may request the assessor to make a separate valuation of each such property, and the assessor shall within 10 days from and after the date of any such request make each such valuation and notify the tax collector thereof.

SEC. 19. Section 2910.5 is added to the Revenue and Taxation Code, to read:

Receipt for taxes on unsecured property

2910.5. If taxes on unsecured property are collected by the tax collector he shall give a receipt to the person making payment, specifying:

(a) The name of the assessee.

(b) The amount of the assessment.

(c) The amount of tax paid.

(d) The beginning and ending of the fiscal year for which the tax is paid.

SEC. 20. Section 3798.1 is added to the Revenue and Taxation Code, to read:

Publication

3798.1. If in the judgment of the board of supervisors any property to be sold under this chapter will bring at auction less than the cost of publication in a newspaper, the publication of the notice of intended sale may be made in the same manner as if there were no newspaper published in the county.

SEC. 21. Section 4833 is added to the Revenue and Taxation Code, to read:

Errors by collector

4833. Any uncollected delinquent penalty, cost, redemption penalty, interest, or redemption fee, heretofore or hereafter attached, may upon satisfactory proof submitted by the tax collector, be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney upon a showing that such delinquent penalty, cost, redemption penalty, interest, or redemption fee has attached because of an error of the tax collector.

CHAPTER 801

An act to amend Sections 3358, 3359, 3701, 3797, and 3799 of the Revenue and Taxation Code, relating to notices required in the sale and deeding of tax-delinquent properties.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 3358 of the Revenue and Taxation Code is amended to read:

Notice of deeding

3358. After the first publication of the notice of the deed to the State of tax-sold property and not less than 21 nor more than 28 days before the date of deeding, when tax-sold property is to be deeded, the tax collector shall send by registered mail to the last assessee of the tax-sold property at his last known address either a copy of the publication or a printed notice of deeding the property to the State. To ascertain the address of the last assessee of the tax-sold property an examination shall be made of the assessment of this property on the rolls beginning with the year of delinquency to and including that of the last equalized roll.

SEC. 2. Section 3359 of the Revenue and Taxation Code is amended to read:

Deed to State Contents

3359. The printed notice of the deed to the State shall specify:

(a) That the property will be deeded to the State by the tax collector unless sooner redeemed or an installment plan of redemption is initiated.

(b) The time the deed is to be issued.

(c) The year of sale to the State.

(d) The description of the particular property.

(e) When redemption may be made.

(f) The official who will furnish all information concerning redemption.

SEC. 3. Section 3701 of the Revenue and Taxation Code is amended to read:

Notice of sale

3701. After receiving the written authorization of the Controller and not less than 21 nor more than 28 days, before the proposed sale, the tax collector shall send a notice by registered mail of the intended sale to the last assessee of each portion of the property at his last known address. To ascertain the address of the last assessee of the tax-deeded property an examination shall be made of the assessment of this property on the rolls beginning with the year of delinquency to and including that of the last equalized roll.

SEC. 4. Section 3797 of the Revenue and Taxation Code is amended to read:

Notice of agreement: Contents

3797. The notice of agreement shall state:

(a) A description of the property substantially as described in the agreement.

(b) The name of the last assessee of the property. To ascertain the name of the last assessee of the tax-deeded property an examination shall be made of the assessment of this property on the last equalized roll, or if this property does not appear thereon, the last previous roll on which it was assessed.

(c) That an agreement for the sale of the property or for an option to purchase it, or both, as the case may be, has been made by the board of supervisors of the county with the taxing agency named in the agreement and has been approved by the Controller.

(d) That a copy of the agreement is on file in the office of the board of supervisors.

(e) If the right to redeem the property has not already been terminated, there shall also be a statement that unless the property is redeemed or an installment plan of redemption is initiated before it is sold, the right of redemption will cease

SEC. 5. Section 3799 of the Revenue and Taxation Code is amended to read:

Copy to assessee

3799. The tax collector shall mail a copy of the notice not less than 21 nor more than 28 days prior to the effective date of the agreement, by registered mail to the last assessee of each portion of the property at his last known address.

To ascertain the address of the last assessee of the tax-deeded property an examination shall be made of the assessment of this property on the rolls beginning with the year of delinquency to and including that of the last equalized roll

It is not necessary to mail a copy of the notice to any party who files with the tax collector a written acknowledgment of receipt of a copy of the notice or a waiver of the notice.

CHAPTER 802

An act to amend Sections 51608, 51632, 51649, and 51650 of, and to add Section 51618 to, the Water Code, relating to reclamation districts.

In effect September 9, 1953

[Approved by Governor May 22, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 51608 of said code is amended to read:

Sale of land for delinquent assessment

51608. If the owner fails to designate the portion of the parcel he wishes sold for a delinquent assessment, the county treasurer may sell the whole or the least portion of the land that will bring the amount due for the assessment, accrued interest, penalty and costs, and shall accept the bid of the person who will accept the least portion of the parcel offered for sale for the amount due.

SEC. 2. Section 51618 is added to said code, read:

51618. If, prior to the redemption, the parcel has been sold at a delinquency sale, the money paid by the purchaser at such sale shall be refunded to him upon redemption of the parcel. Refunds upon redemption

SEC. 3. Section 51632 of said code is amended to read:

51632. The notice shall contain: Notice Contents

(a) A description of each parcel on which the installment is delinquent, as the description appears on the assessment list or by reference number as set forth in the assessment list on file in the office of the county treasurer (stating the date and time the list was filed) or by other appropriate reference thereto sufficient to identify the parcel, and shall refer to the list for further particulars.

(b) The name of the person to whom the installment is assessed, or a statement that it is assessed to unknown owners if such is the fact.

(c) The amount of the delinquent installment, interest, and penalty due on each parcel.

(d) A notice that each of the parcels will be sold at public auction by the county treasurer in front of the courthouse of the principal county, at a specified day and hour.

SEC. 4. Section 51649 of said code is amended to read:

51649. Each installment of an assessment remaining unpaid at the time of the delinquent sale may be called and collected in the manner provided in this part, except that no parcel sold and conveyed to the county treasurer as trustee for the district at the delinquency sale shall, during the period so held, be sold by the county treasurer for delinquent installments. Unpaid assessment Collection

SEC. 5. Section 51650 of said code is amended to read:

51650. If a call of an assessment on any parcel sold to the county treasurer as trustee for the district becomes delinquent during the redemption period the parcel shall be again sold as provided in this article, but only to the county treasurer as trustee for the district, for the amount of the subsequent delinquent installment, interest, and penalty. Sale of district land

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CHAPTER 803

An act to add Sections 51616.1, 51616.2, 51652, 51653, and 51654 to the Water Code, relating to reclamation districts.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 51616.1 is added to the Water Code, to read:

51616.1. Each installment of an assessment remaining unpaid at the time of the delinquency sale may be called and collected in the manner provided in this part, except that no parcel sold and conveyed to the county treasurer as trustee for Unpaid assessment installments

the district at the delinquency sale shall, during the period so held, be sold by the county treasurer for delinquent installments.

SEC. 2. Section 51616.2 is added to said code, to read:

Sale of district land

51616.2. If a call on an assessment on any parcel sold to the county treasurer as trustee for the district becomes delinquent during the redemption period, the parcel shall be again sold as provided in this article, but only to the county treasurer as trustee for the district, for the amount of the subsequent delinquent installment, interest, and penalty.

SEC. 3. Section 51652 is added to said code, to read:

Certificate of redemption

51652. When the parcel is redeemed a certificate of redemption shall be issued by the county treasurer to the redeemer, and the certificate shall be filed in the office of the county recorder.

SEC. 4. Section 51653 is added to said code, to read:

Refund upon redemption

51653. If, prior to the redemption, the parcel has been sold at a delinquency sale, the money paid by the purchaser at such sale shall be refunded to him upon redemption of the parcel.

SEC. 5. Section 51654 is added to said code, to read:

Invalidity

51654. No sale, certificate of sale, or deed made for a valid delinquent assessment shall be adjudged invalid, unless the amount of the delinquent assessment, penalties, interest, and costs has been refunded to the purchaser of the parcel.

CHAPTER 804

An act to amend Sections 51660, 51720, 51723, 51726 of, and to add Article 3 to Chapter 4, Part 7, Division 15, and Sections 51665, 51666, 51667, 51697, 51698, and 51699 to, the Water Code, relating to reclamation districts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 is added to Chapter 4, Part 7, Division 15 of the Water Code, to read:

Article 3. General

Delinquent calls

51656. If a call of an assessment on any parcel sold and conveyed to the county treasurer as trustee for the district pursuant to the provisions of this chapter, becomes delinquent during the periods the parcel is so held and the property is not again sold at a delinquency sale, nevertheless, for the purposes of Chapter 5 of this part, the property shall be considered to have been sold and purchased at delinquency sale by the county treasurer as trustee for the district as of the date of the delinquency for the amount of the delinquent call, penalties and interest.

SEC. 2. Section 51660 of said code is amended to read:

51660. Any parcel purchased by a county treasurer at delinquency sale, as trustee for the district, may, after approval of the board, be sold and conveyed by him at any time after the expiration of the redemption period at public or private sale, with or without notice, to any person paying him the aggregate amount for which the parcel was purchased, with interest thereon at the rate of 7 percent per year, compounded yearly from the date of each delinquency sale, and:

Sale of district land

(a) When the parcel was purchased at a sale for the delinquency of an unbonded assessment, any unpaid call that has been made upon any prior or subsequent assessment, with accrued interest and penalties thereon.

(b) When the parcel was purchased at a sale for the delinquency of a bonded assessment, the amount of all subsequent assessments then delinquent, with accrued interest and penalties thereon.

SEC. 3. Section 51665 is added to said code, to read:

51665. The proceeds of sale of parcels acquired by the county treasurer at delinquency sale for bonded assessments, as trustee for the district, shall be deposited in the bond fund.

Disposition of sale proceeds

SEC. 4. Section 51666 is added to said code, to read:

51666. The proceeds of the sale of parcels acquired by the county treasurer as trustee for the district at a delinquency sale for unbonded original and additional assessments shall be credited to the general fund.

SEC. 5. Section 51667 is added to said code, to read:

51667. The proceeds of a sale of parcels acquired by the county treasurer as trustee for the district at a delinquency sale for operation and maintenance assessments shall be credited to the maintenance fund.

SEC. 6. Section 51697 is added to said code, to read:

51697. The proceeds of sale of parcels acquired by the county treasurer at delinquency sale for bonded assessments as trustee for the district, shall be deposited in the bond fund.

SEC. 7. Section 51698 is added to said code, to read:

51698. The proceeds of the sale of parcels acquired by the county treasurer as trustee for the district at a delinquency sale for unbonded original and additional assessments shall be credited to the general fund.

SEC. 8. Section 51699 is added to said code, to read:

51699. The proceeds of a sale of parcels acquired by the county treasurer as trustee for the district at a delinquency sale for operation and maintenance assessments shall be credited to the maintenance fund.

SEC. 9. Section 51720 of said code is amended to read:

51720. At any time after the expiration of the redemption period, the county treasurer may, after approval of the board, sell and convey, pursuant to this article, a portion of any parcel purchased at delinquency sale by a county treasurer as trustee for the district at public or private sale and with or without notice.

Sale of portion of unredeemed parcel

SEC. 10. Section 51723 of said code is amended to read:

Reapportionment of assessment

51723. When the notification is received the board shall by minute action, approve or disapprove the sale and, in the event of approval, shall reapportion the assessment upon the parcel, including the delinquencies thereon, and penalties and interest, as provided by Chapter 6, Article 5 of this part.

SEC. 11. Section 51726 of said code is amended to read:

Sale of subdivided parcel completed

51726. The county treasurer, following board approval of the sale and reapportionment shall complete the sale of the subdivided parcel upon payment by the purchaser of the total of the following sums, less the amount of the partial payment made by him:

(a) The sum of delinquencies, penalties and interest apportioned and charged to the subdivided parcel.

(b) Interest on the amount for which the parcel was sold, as apportioned to the parcel, at the rate of 7 percent per year compounded annually from the date set forth in the reapportionment list to which interest was computed, to the date of the sale.

(c) The cost of making the reapportionment as charged to the parcel.

CHAPTER 805

An act to amend Sections 51809, 51871, 51890, 53049 of, to add Article 5 to Chapter 3, Part 7, Division 15 of, and to repeal Article 6 of Chapter 1, Part 8, Division 15, and Section 51651 of, the Water Code, relating to reclamation districts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 is added to Chapter 3, Part 7, Division 15, of the Water Code, to read:

Article 5. Removal of Lien

Liens Removal or lessening

51570. Any landowner who desires to lessen or remove the lien upon his land of any assessment on which bonds have been issued may deliver to the county treasurer for cancellation any bonds payable out of the assessment, and the treasurer shall credit against the assessment on his land the principal and accrued interest of the bonds.

Repeal

SEC. 2. Section 51651 of said code is repealed.

SEC. 3. Section 51809 of said code is amended to read:

Warrants

51809. The warrants shall be payable out of the fund of the district into which the proceeds of the assessments had been paid.

SEC. 4. Section 51871 of said code is amended to read:

Invalid assessment Credit or refund

51871. When an assessment has been levied upon district lands and any installment of the assessment called by the board or by the county treasurer is adjudged invalid by any court of

competent jurisdiction, payments of the installment, including penalties and interest, made by any person before the call was adjudged invalid, may be credited by the treasurer of the county where the assessment list is filed on the assessment on which the invalid call was paid, and shall be applied to the payment of any subsequently called installment of the assessment on the parcel or upon demand, the county treasurer shall refund the amount of the installment adjudged invalid to the person who made the payment.

SEC. 5. Section 51890 of said code is amended to read:

Subdivided parcel Reapportionment of assessment

51890 When any parcel located in a district, any part of which is within the Sacramento-San Joaquin Drainage District, upon which an original assessment has been levied, or any parcel, in any district, upon which an operation and maintenance assessment has been levied, is subdivided, the board, upon written application signed by any or all of the landowners within the subdivided parcel, shall enter a minute order directing the reapportionment of the assessment upon such parcel in such manner as will charge each of the smaller parcels with a just proportion of the assessment.

Repeal

SEC. 6. Article 6 of Chapter 1, Part 8, Division 15 of said code is repealed.

SEC. 7. Section 53049 of said code is amended to read:

Time warrants

53049. The county treasurer, upon the request of the board, shall pay all time warrants before the maturity thereof, providing there are sufficient funds, after payment of all outstanding demand warrants, and all such time warrants shall be presented for payment.

CHAPTER 806

An act to amend Section 26826 of the Government Code, relating to the appearance of defendant, intervenor, respondent, corespondent, or adverse party.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 26826 of the Government Code is amended to read:

Filing fee

26826. Upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, corespondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is two dollars ($2).

CHAPTER 807

An act to add Section 12102.1 to, and to amend Sections 12204, 12223, 12302 and 12303 of, the Financial Code, relating to application of the Check Sellers and Cashers Law, and licenses and license regulations thereunder.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 12102.1 is added to the Financial Code, to read:

Agent

12102.1. A licensee under this division or any person engaged in the same type of business as licensed under this division whether said person is licensed or not shall be deemed to be an agent as defined under Sections 506 and 506a of the Penal Code and subject to the penalties under said sections.

SEC. 2. Section 12204 of said code is amended to read:

Application: Contents

12204. The application shall specify the type of business for which a license is requested and shall also contain such other information as the commissioner may reasonably require.

SEC. 3. Section 12223 of said code is amended to read:

Fidelity bonds

12223. The commissioner may require a licensee engaging in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts of an obligor, in addition to the bond provided in Section 12206, to obtain an adequate fidelity bond for each officer, employee, or agent having access to funds collected by or for the licensee or having authority to draw against such funds if in his opinion such a bond is necessary for the protection of the public.

SEC. 4. Section 12302 of said code is amended to read:

Change of place of business

12302. Whenever a licensee desires to change his place of business to a street address other than that designated in his license or desires to change the place or area of doing business in the case of a mobile unit, he shall give written notice to the commissioner of the desired change.

SEC. 5. Section 12303 of said code is amended to read:

Books, accounts, and records: Keeping and preservation

12303. Every licensee shall keep and use in his business books, accounts and records which enable the commissioner to determine whether such licensee has violated the provisions of this division and the rules and regulations made by the commissioner. Every licensee shall preserve such books, accounts, and records for at least two years after making the final entry on each transaction recorded therein.

Individual records

Nothing in this section shall be construed to require any licensee to keep an individual record of each individual fee charged in each transaction but the licensee shall be required to keep a record of the total charges made for any accounting period.

CHAPTER 808

An act to amend Sections 12333, 12336, 12901, 13622, 13852, 13886, 13911 and 14162, and the chapter headings of Chapters 11 (first) and 13, Division 6, of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 12333 of the Public Utilities Code is amended to read:

Contributions to retirement system

12333. The board shall provide that both the district and the members shall contribute to the retirement system. The rate of contribution by an officer or employee of the district hereafter becoming a member of the retirement system shall be so fixed as to provide, with accumulated interest and based on tables and assumptions adopted by the board, substantially one-half the value of any retirement allowance granted for service. The rate of contribution by an officer or employee of the district who heretofore became a member of the retirement system shall be based on his age at the date he became such a member and shall be at the same rate as for those of the same age hereafter becoming members.

SEC. 2. Section 12336 of the Public Utilities Code is amended to read:

Refund upon withdrawal

12336. If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto shall be returned to him; provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service is terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which a retirement allowance may be made to him after such termination based upon his contributions prior to such termination.

SEC. 3. Section 12901 of the Public Utilities Code is amended to read:

Collection of district taxes. Time and manner

12901. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes. The district may adopt the alternative procedure of tax collection and apportionment established by Chapter 3, Part 8, Division 1 of the Revenue and Taxation Code and any amendments thereof; provided, however, that the district may thereafter abandon said alternative procedure at the end of any fiscal year of the district.

SEC. 4. Section 13622 of the Public Utilities Code is amended to read:

Bond issues

13622. Except as otherwise provided herein the provisions of Chapter 7 shall substantially govern as to all matters pertaining to the issuance of bonds under this article, including among other things, and without limiting the generality of the foregoing, the calling and holding of the bond election, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds and the status of the bonds as investments.

SEC. 5. Section 13852 of the Public Utilities Code is amended to read:

Notice of election

13852. Notice of election shall be published as provided in Section 11534 and shall either state that a copy of the annexation agreement is on file in the office of the secretary or clerk of the public agency proposed to be annexed, and open to the inspection of all persons interested, or set forth the terms and conditions of the agreement of annexation at length, in the discretion of the legislative body calling the election.

SEC. 6 Section 13886 of the Public Utilities Code is amended to read:

Annexation of public agency to district

13886. Upon receipt by the district of a copy of the agreement of annexation properly executed by the district and the public agency proposed to be annexed the board shall pass a resolution declaring the public agency annexed to the district, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State the annexation of the public agency to the district is complete.

SEC. 7. Section 13911 of the Public Utilities Code is amended to read:

Incorporation into district by annexation to city

13911. Any territory annexed in accordance with law to any city included in the district shall, upon the completion of such annexation proceeding, be deemed incorporated into and annexed to the district, and thereafter is subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for general district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the district.

SEC. 8. Section 14162 of the Public Utilities Code is amended to read:

Annexation petition

14162. A petition describing the territory proposed to be annexed and requesting that proceedings be taken for its annexation shall be signed by all of the owners of the real property described therein, verified by the affidavit of one of the petitioners, addressed to the board, and filed with the secretary of the district. If a portion of the territory consists of public highways, streets, roads or paths, it shall not be necessary to secure the signatures to the petition of the owners only of the real property occupied by such public highways, streets, roads or paths.

SEC. 9. The heading of the first Chapter 11 of Division 6 of the Public Utilities Code is amended to read:

CHAPTER 10. ANNEXATION OF UNINCORPORATED TERRITORY

SEC. 10. The heading of Chapter 13 of Division 6 of the Public Utilities Code is amended to read:

CHAPTER 12 DISSOLUTION

CHAPTER 809

An act to amend Section 5404 of the Public Resources Code, relating to recreation, park and parkway districts.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 22, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5404 of the Public Resources Code is amended to read:

Consolidated districts

5404. Proceedings to form consolidated districts, which include both incorporated and unincorporated areas of a given county, may be created by the joint resolution of the governing bodies of the incorporated and unincorporated areas.

Board of directors

The governing body of a consolidated recreation, park and parkway district is a board of directors of not less than five members. One member of the board of directors shall be appointed by the mayor of each city the whole or part of which is included in the district.

Unincorporated territory and but one city

If unincorporated territory and territory of but one city is included in the district, three members of the board of directors shall be appointed by the board of supervisors of the county in which the district is formed and two members shall be appointed by the mayor of the city; unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event three members of the board of directors appointed by the mayor of the city and two members appointed by the board of supervisors of the county in which the district is formed shall constitute the district board of directors.

Unincorporated territory and two or more cities

Whenever unincorporated territory and all or parts of two or more cities are included in the district one director shall be appointed by the board of supervisors.

No unincorporated territory

If the district contains no unincorporated territory, the district board of directors shall consist of two directors appointed by the mayor of each city wholly or partly within the district; and if only two cities or parts thereof are in the district, one additional district board member shall be appointed by the mayor of each of the cities.

Wholly unincorporated

If the whole of the district is unincorporated territory, the board of supervisors of the county in which the district is formed shall constitute the district board of directors.

CHAPTER 810

An act to amend Section 142 of the Vehicle Code, relating to vehicles exempted from registration and the definition of implements of husbandry in relation thereto.

In effect September 9, 1953

[Approved by Governor May 20, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 142 of the Vehicle Code is amended to read:

Exemption from registration

142. Exemption From Registration. The registration provisions of this chapter shall not apply to any of the following vehicles:

(a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.

(b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.

(c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. The following shall be deemed to be implements of husbandry and shall be exempt from registration:

(1) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(2) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(3) A spray rig designed and used exclusively for spraying in the conduct of agricultural operations.

(4) A nurse rig or equipment auxiliary to the use of a spray rig or airplane crop duster.

(5) A row duster.

(6) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(7) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part therof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(8) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(9) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(10) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry.

The foregoing list shall be deemed as illustrative and not a list of limitations.

(d) Special mobile equipment.

(e) Any self-propelled wheel chair or invalid tricycle while being operated by a person who by reason of physical disabilities is otherwise unable to move about as a pedestrian.

(f) Special highway construction equipment.

CHAPTER 811

An act to amend the Sanitation, Sewer and Water Revenue Bond Law of 1941 by amending Sections 54309, 54341, and 54516 of, and by adding Sections 54516.1 and 54516.2 to, the Government Code, relating to the acquisition, construction, improvement, financing and operation of enterprises, as herein defined, by local agencies, and to the financing thereof by the issuance, sale, protection and payment or redemption of revenue bonds.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 54309 of the Government Code is hereby amended to read as follows:

54309. "Enterprise" means a revenue producing improvement, building, system, plant, works, facilities, or undertaking used for or useful in: "Enterprise"

(a) The obtaining, conserving, treating and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private uses;

(b) The collection, treatment or disposal of garbage or refuse matter;

(c) The collection, treatment or disposal of sewage, waste or storm water, including drainage;

(d) The providing of public parking lots, garages, or other automotive or vehicular parking facilities, including any and all public off-street vehicular parking facilities; or

(e) The providing of public transportation by means of a ferry or ferry system.

It includes all parts of the enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, garbage trucks, equipment, dumps, garbage disposal plants and incinerators or other disposal facilities, sewage treatment plants, sewage disposal plants, intercepting and collecting sewers, outfall sewers, trunk, connecting, and other sewer and water mains, filtration works, pumping stations, water supply, storage and distribution facilities and equipment, the franchises or licenses to operate a ferry or ferry system, all boats and vessels, all land and interest in land, all slips, wharves, piers, landing places, approaches and all facilities and equipment used in the maintenance and operation of a ferry or ferry system, and all buildings, structures, improvements, equipment, ditches, canals, and facilities whatsoever appurtenant or relating to the enterprise.

SEC. 2. Section 54341 of the Government Code is amended to read as follows:

Authorized activities of local agency Construction, improvements, etc

54341. A local agency may construct or improve any enterprise wholly or partially within or wholly without the local agency. By gift, lease, purchase, eminent domain, or otherwise, it may acquire any real or personal property, or any interest in or improvement on any such property, or any water rights for an enterprise, except that no property of a state public body may be acquired without its consent. A local agency may sell, lease, exchange, transfer, assign or otherwise dispose of any real or personal property or any interest in such property. It may lay out, open, extend, widen, straighten, establish or change the grade of any real property or public rights of way necessary or convenient for any enterprise.

SEC 3. Section 54516 of the Government Code is amended to read:

Operation, maintenance, etc

54516. Subject to the provisions of Section 54516.1, the local agency shall operate, maintain and preserve the enterprise in good repair and working order.

SEC. 4. Section 54516.1 is added to the Government Code, to read:

Contracts for operation

54516.1. Subject to the provisions and limitations of any resolution authorizing the issuance of bonds and to the conditions specified in Section 54516.2 of this code, the local agency may contract, upon such terms and conditions as it may determine, with any person, firm or corporation, for the operation or management of an enterprise. Each such contract shall provide that all consideration to be paid thereunder shall be payable solely from the revenues of the enterprise, and all consideration under any such contract payable by the local agency shall be paid only from such revenues. A local agency shall not by any such contract transfer or attempt to transfer to

any person, firm or corporation, or in any way restrict the exercise of the local agency's legal powers and duties concerning:

(a) The issuance and sale of bonds to provide funds for the acquisition, construction, improving or financing of the enterprise;

(b) The payment of the principal of and interest on such bonds;

(c) The receipt, handling and disbursement of and accounting for the proceeds of sale of the bonds;

(d) The fixing of fees, tolls, rates, rentals and other charges for the services, facilities or water furnished by the enterprise;

(e) The accounting for the revenues, receipts and other funds of the enterprise; and

(f) The making and enforcing of ordinances and regulations to protect and promote public health and safety in connection with the enterprise and its operation.

SEC. 5. Section 54516.2 is added to the Government Code, to read:

54516.2. The local agency shall let contracts made by it pursuant to Section 54516.1 to the best responsible bidder after the publication of a notice inviting bids two or more times, not less than five days apart, in a newspaper of general circulation printed and published in the city. If there is no newspaper of general circulation printed or published in the city, copies of the notice shall be posted in at least three public places in the city. Publication shall be commenced or notice posted not less than 15 days prior to the date set in the notice for the opening of bids. Bids

The notice inviting bids shall distinctly and specifically describe the enterprise involved and the period of time for which the enterprise is to be operated or managed.

If no bid which the local agency finds to be reasonable and valid is received upon the original advertising, the local agency need not readvertise.

CHAPTER 812

An act to amend Section 18 of the Penal Code, relating to punishment of felony when not otherwise prescribed.

[Approved by Governor May 20, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 18 of the Penal Code is amended to read:

18. Except in cases where a different punishment is prescribed by any law of this State, every offense declared to be a felony is punishable by imprisonment in any of the state Felony Penalty

prisons, not exceeding five years; provided, however, every offense which is prescribed by any law of the State to be a felony punishable by imprisonment in any of the state prisons or by a fine, but without an alternate sentence to the county jail, may be punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both.

Exception

This section shall not be construed to apply to offenses set forth in Division 10 of the Health and Safety Code.

CHAPTER 813

An act to amend Section 3345 of the Civil Code, relating to the holding over of tenants after the expiration of their term.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 3345 of the Civil Code is amended to read:

Hold over tenants

3345. If any tenant, or any person in collusion with the tenant, holds over any lands or tenements after demand made and 30 days' notice, in writing given, requiring the possession thereof, such person holding over must pay to the landlord treble rent during the time he continues in possession after such notice.

CHAPTER 814

An act to amend Sections 5402 and 5658 of the Public Resources Code, relating to recreation, park, and parkway districts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5402 of the Public Resources Code is amended to read:

Powers of recreation, park, and parkway district

5402. Any city or portion thereof, or any portion of the unincorporated area of any county not included in any other park, recreation, and parkway district and lying entirely outside of any national forest may be formed into a park, recreation, and parkway district.

The district may acquire by gift, lease, purchase, eminent domain, or any other manner, all necessary and proper lands and do all necessary and proper construction and work, including the planting of trees and shrubs, to secure, maintain and operate an adequate system of parks, recreation grounds, facil-

ities for community recreation, and parkways within the district.

The district may acquire such lands and facilities or any portion thereof by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period.

SEC. 2. Section 5658 of said code is amended to read:

5658. The board of district trustees shall

Powers of board

(a) Make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the property, improvements and facilities under its management and belonging to the district.

(b) Employ and pay persons necessary properly and adequately to maintain and operate the property, improvements and facilities under its control. Employees shall hold their offices and positions at the pleasure of the board.

(c) Purchase, or otherwise acquire, such real property, equipment, and buildings; or erect such buildings, as in its judgment may be necessary properly to carry out the provisions of this article.

(d) Borrow money, give security therefor or purchase on contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this article and the amount of indebtedness incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, but no tax levy shall ever be made for any purpose above the maximum permitted by this article.

CHAPTER 815

An act to amend Section 5183 of the Welfare and Institutions Code, relating to the deposit of funds coming into the custody of the public guardian.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 1, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5183 of the Welfare and Institutions Code is amended to read:

5183. All funds coming into the custody of the public guardian shall be deposited either in the county treasury and disbursed by proper warrant, or shall be deposited in one or more banks authorized to do business within the county and withdrawn only upon an order of the public guardian, countersigned by a judge of the superior court.

Deposit of funds by public guardian

CHAPTER 816

An act to amend Section 7402, and to repeal Section 7408, of the Education Code, relating to bond elections in school districts

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7402 of the Education Code is amended to read:

Calling election

7402. The election shall be called by posting notices, signed by a majority of the governing board of the district in at least three public places in the district, not less than 20 days before the election. If there is a newspaper of general circulation published in any county in which any part of the district is situated, the notice shall be published therein at least once in each calendar week for three successive calendar weeks prior to the election. In addition, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and stating the purposes of the election. Such statement shall contain only the following:

(a) The amount of the proposed bond issue.

(b) A brief statement of the purposes for which the proceeds of the bond issue will be expended.

Precincts

At least 60 days before the date of the bond election the governing board of the school district shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card.

Costs

The costs incurred by the county clerk or registrar of voters in connection with this section shall be paid out of the funds of the district.

Repeal

SEC. 2. Section 7408 of the Education Code is hereby repealed.

CHAPTER 817

An act to amend Section 6193 of the Education Code, relating to warrants for school district funds.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 6193 of the Education Code is amended to read:

6193. When the warrant is presented to the county treasurer for payment, he shall endorse, register, advertise, and pay it, with interest at the rate of 5 percent per annum, in the manner prescribed, as nearly as may be, for county warrants in Sections 29821 to 29824, inclusive, and Sections 29826 and 29827 of the Government Code. Payment of warrants

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CHAPTER 818

An act to add Sections 7518 and 7519 to the Education Code, relating to a levy of a tax sufficient to meet payments on school bonds.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7518 is added to the Education Code, to read:

7518. The board of supervisors of the county, the superintendent of schools of which has jurisdiction over any school district, shall annually at the time of making the levy of taxes for county purposes estimate the amount of money required to meet the payment of the principal and interest on bonds of the district authorized by the electors of the district and not sold, and which the governing board of the district informs the board in their belief will be sold before the next tax levy, and the board of supervisors shall levy a tax sufficient to pay the principal and interest so estimated. Tax levy for bond payments

SEC. 2. Section 7519 is added to the Education Code, to read:

7519. If the bonds are declared invalid or are not issued for any reason, the tax levied and collected shall, if the school district has other bonds outstanding, be retained in the interest and sinking fund of the district to meet the interest and principal falling due on such bonds. If the district has no bonds outstanding the proceeds of the tax levy shall be transferred to the general fund of the district on the order of the auditor. Disposition of tax proceeds if bonds invalid or not issued

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CHAPTER 819

An act to amend Section 27322 of the Government Code, relating to the recording of instruments and permitting the microfilming thereof.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 27322 of the Government Code is amended to read:

Instruments recorded

27322. The recorder shall record, separately, in a fair hand, by typewriting, or by photography or other reproduction process in large well-bound separate books, the following instruments:

(a) Deeds, grants, transfers and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.

(b) Mortgages of personal property.

(c) Marriage contracts.

(d) Wills admitted to probate

(e) Official bonds.

(f) Notices of mechanics' liens.

(g) Transcripts of judgments, which by law are made liens upon real estate in this State.

(h) Notices of attachment upon real estate

(i) Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

(j) Instruments describing or relating to the separate property of married women.

(k) Notices of pre-emption claims.

(*l*) Births and deaths.

(m) Certified copies of any petition, with the schedules omitted, filed in, and certified copies of any order or decree made or entered in, any proceeding under the National Bankruptcy Act.

(n) Certified copies of decrees and judgments of courts of record; and

(o) Such other writings as are required or permitted by law to be recorded.

The books shall be either bound or contain insertable leaves which when placed in the books cannot be removed. If the instruments specified in this section have been microfilmed for preservation purposes, a type of book may be used which will permit the removal of the leaves in order that reproduction may be made in an efficient manner. In order to microfilm the records in the office of the county recorder, and for no other purpose, permanently bound records may be disassembled, and immediately after records have been microfilmed such books shall be again permanently bound.

CHAPTER 820

An act to amend Section 1295 of the Penal Code, relating to the receiving of cash in lieu of bail by an officer in charge of a jail.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1295 of the Penal Code is amended to read:

Cash in lieu of bail

1295. The defendant, or any other person, at any time after an order admitting defendant to bail instead of giving bail may

deposit with the clerk of the court in which defendant is held to answer, the sum mentioned in the order, and upon delivering to the officer in whose custody defendant is a certificate of the deposit, defendant must be discharged from custody.

Whenever the defendant has been arrested and booked and the amount of bail indorsed on the warrant or fixed by order of the court does not exceed one thousand dollars ($1,000), the defendant, or any other person, may deposit with the officer in charge of the jail wherein the defendant is detained, cash in the amount of the bail indorsed on such warrant or fixed by the order of the court. Upon such deposit being made the defendant must be discharged from custody. The money so deposited shall be transmitted to the judge or clerk of the court by which the warrant was issued not later than the next business day.

CHAPTER 821

An act to amend Sections 31, 37, 38, 575, 576, 658, 1516, 2541, 2573, 2574, 2575, 2576, 2672, 2703, 2705, 3920, 3921, 3926, 3930, 3941, 7966, 7970, 7971, 8100, 8101, 8530, 8720, 11050, 11051, 11052, 11053, and 11054 of, to amend the heading of Chapter 2 of Division 4, the heading of Chapter 2 of Division 13 of, and to repeal Chapter 4, consisting of Section 10700, of Division 12 of, the Elections Code, relating to elections.

[Approved by Governor May 21, 1953 Filed with Secretary of State May 23, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 31 of the Elections Code is amended to read:

31. "Judicial officer" means any justice of the Supreme Court, justice of a district court of appeal, judge of the superior court, judge of a municipal court, or judge of a justice court.

Definitions

SEC. 2. Section 37 of said code is amended to read:

37. "Judicial district" includes municipal court district and justice court district.

SEC. 3. Section 38 of said code is amended to read:

38. "Inferior court" includes municipal court and justice court.

SEC. 4. Section 575 of said code is amended to read:

575 No precinct shall be established so as to embrace more than one supervisorial district, nor so that its boundary crosses the boundary of any supervisorial district, congressional, assembly, or judicial district, or incorporated city or town or any ward.

Precinct limitations

If, at any election, any precinct contains an insufficient number of qualified persons to make up a precinct election board,

the precinct may be consolidated with an adjoining election precinct.

SEC. 5. Section 576 of said code is amended to read:

Boundary alterations

576. Neither boards of supervisors, municipal officers, nor any other officer, may alter the boundaries of any judicial district, ward, election precinct, or other local subdivision, of any county, or city, so as to change the boundaries of any senatorial or assembly district as constituted and defined by law.

SEC. 6. Section 658 of said code is amended to read:

Election officer Qualifications

658. If a sufficient number of qualified persons to constitute a precinct board have not applied for the position of election officer each officer shall be a voter of the precinct for which he is appointed and in which he acts, or a voter of a precinct situated in the same general area of the municipality or judicial district as the precinct for which he is appointed and in which he acts.

SEC. 7. Section 1516 of said code is amended to read:

Mailing of ballot pamphlets

1516. As soon as copies of the ballot pamphlet are available, the Secretary of State shall mail immediately the following number of copies thereof to the following persons and places:

(a) Six copies to each city clerk;

(b) Two copies to each judge of a justice court and each judge of a municipal court;

(c) Five copies to each county clerk;

(d) Five copies to each State Senator;

(e) Five copies to each Member of the Assembly.

As soon as copies of the ballot pamphlet are available, the Secretary of State shall mail upon request the following number of copies thereof to the following persons and places:

(a) Two copies to each public library and branch thereof;

(b) Two copies to each public high school or other public school teaching at least the eleventh and twelfth grades.

The Secretary of State may mail upon request additional copies of the ballot pamphlet to those persons and institutions mentioned in this section.

SEC. 8. Section 2541 of said code is amended to read:

Nonpartisan offices

2541. Judicial, school, county, and municipal offices are nonpartisan offices.

SEC. 9. Section 2573 of said code is amended to read:

Notice of offices to be filled, etc

2573. At least 90 days before the time of holding the direct primary the Secretary of State shall prepare and transmit to each county clerk a notice in writing designating all the offices, except those of county officers and judges of inferior courts, for which candidates are to be nominated at the primary, together with the names of parties qualified to participate in the primary.

SEC 10. Section 2574 of said code is amended to read:

Form of notice

2574. The notice designating the offices for which candidates are to be nominated shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED AT THE DIRECT PRIMARY AND NAMES OF POLITICAL PARTIES QUALIFIED TO PARTICIPATE

DEPARTMENT OF STATE
Sacramento, _____, 19___

To the County Clerk (registrar of voters) of the County of _____:

Notice is hereby given that the offices for which candidates are to be nominated at the primary election to be held on the _____ day of _____, 19___, together with the names of the political parties qualified to participate in the election, are as follows:

STATE (AND DISTRICT) OFFICES

_____
_____
_____

CONGRESSIONAL OFFICES

_____
_____
_____

LEGISLATIVE OFFICES

_____
_____
_____

That the names of the political parties qualified to participate in this election for nomination of candidates for each of the above mentioned offices are as follows:

_____
_____
_____

Notice is also hereby given that at the primary election candidates are to be nominated for the following offices:

JUDICIAL OFFICES

_____
_____
_____

SCHOOL OFFICES

_____
_____
_____

Notice is also hereby given that at the primary election, in the county first above mentioned, candidates are to be nominated

for any county offices or inferior court offices to which candidates are to be elected at the ensuing general election;

And notice is also hereby given that at the primary election there shall be elected in each county and city and county a county central committee for each political party above named pursuant to Section 2831 of the Elections Code.

(SEAL) Secretary of State

SEC. 11. Section 2575 of said code is amended to read:

Publication of notice by county clerk

2575. Within 10 days after receipt of the notice designating the offices for which candidates are to be nominated, the county clerk shall publish once in each week for two successive weeks in not more than two newspapers published in the county, so much of the notice as may be applicable to his county. The publication shall include a statement of the offices of judges of inferior courts in the county for which candidates are to be nominated, and a statement of the number of members of the county central committee to be elected by each political party in each supervisorial or assembly district, as the case may be.

SEC. 12. Section 2576 of said code is amended to read:

Form of notice

2576. The notice published by the county clerk designating the offices for which candidates are to be nominated shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED OR ELECTED AT THE DIRECT PRIMARY AND NAMES OF POLITICAL PARTIES QUALIFIED TO PARTICIPATE

Notice is hereby given that the offices for which candidates are to be nominated at the primary election to be held on the _____ day of _____, 19___, together with the names of the political parties qualified to participate in the election are as follows:

STATE (AND DISTRICT) OFFICES

CONGRESSIONAL OFFICES

LEGISLATIVE OFFICES

That the names of the political parties qualified to participate in the election for nomination of candidates for each of the above-mentioned offices are as follows:

_____

_____

_____

Notice is also hereby given that at the primary election candidates are to be nominated for the following nonpartisan offices:

JUDICIAL OFFICES

_____

_____

_____

SCHOOL OFFICES

_____

_____

_____

COUNTY OFFICES

_____

_____

_____

Notice is also hereby given that at the primary election there are to be elected by each of the parties hereinafter named in each of the districts hereinafter stated as many members of the county central committee of that party as is stated under the name of that party opposite the number of the district.

MEMBERS OF COUNTY CENTRAL COMMITTEE

The number of each district and the number of members to be elected by each party from the district being as hereinafter set forth:

	_____Party	_____Party	_____Party	_____Party
____District	___members	___members	___members	___members
____District	___members	___members	___members	___members
____District	___members	___members	___members	___members
____District	___members	___members	___members	___members
____District	___members	___members	___members	___members

Dated this _____ day of _____, 19___.

(SEAL) _____, County Clerk

By _____, Deputy

SEC. 13. Section 2672 of said code is amended to read:

2672. A filing fee of ten dollars ($10) shall be paid to the county clerk for filing a declaration of candidacy for an office to be voted for wholly within one county with the following exceptions:

Filing fee for declaration of candidacy

Exceptions

(a) No filing fee is required from any person to be voted for at the presidential primary.

(b) No filing fee is required from any candidate for an office to the holder of which no fixed compensation is payable.

(c) No filing fee is required for offices the compensation to the holder of which does not exceed the sum of six hundred dollars ($600) per annum.

(d) A filing fee of 1 percent of the annual salary of the office shall be paid to the county clerk by each candidate for the office of judge of the superior court.

(e) The filing fee to be paid to the county clerk by each candidate for a county or judicial office other than the office of judge of the superior court shall be the same percentage of the annual salary of the office as that provided for in subdivision (a) of Section 2671 of this code; provided, that this subdivision (e) shall not apply to any candidate for any such office which has an annual salary of two thousand five hundred dollars ($2,500) or less.

SEC. 14. Section 2703 of said code is amended to read:

Publication of offices candidates, and election data

2703. Each county clerk shall, upon receipt of the certified list of candidates, publish under the proper party designation the title of each office (except a nonpartisan office) which appears upon the list The publication shall include the names and addresses of all persons for whom nomination papers have been filed with the Secretary of State for each of the offices, and also the names of all candidates for the State Senate and Assembly when they are to be voted for wholly within only his county and the names of candidates for the county central committee, filed in the office of the county clerk. He shall also publish the title of each nonpartisan office, together with the names and addresses of all persons for whom nomination papers have been filed for each nonpartisan office, either in the Office of the Secretary of State or in the office of the county clerk, and shall state that candidates for nonpartisan offices may be voted for at the primary election, by any voter of the county, whether registered as intending to affiliate with any political party or not. He shall also publish the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which polling places shall be particularly designated.

SEC 15. Section 2705 of said code is amended to read:

Publication form

2705. The list of candidates and notice of election published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED OR ELECTED, AND NAMES AND ADDRESSES OF CANDIDATES

Notice is hereby given that a primary election is to be held in the County of _____ on the _____ day of _____, 19___.

and that hereinafter under the designation of each of the political parties entitled to participate therein there is stated the title of each office to be voted on, and the name and address of each person for whom a nomination paper has been filed for each office and who is entitled to be voted for in this county, the name of each person being stated under the name of the party or principle he represents.

_____ PARTY

STATE (AND DISTRICT) OFFICES

(Title of office)	(Name of candidate)	(Post-office address of candidate)
_____	_____	_____
_____	_____	_____
_____	_____	_____

_____ District

CONGRESSIONAL OFFICES

_____	_____	_____
_____	_____	_____

_____ District

LEGISLATIVE OFFICES

_____	_____	_____
_____	_____	_____

_____ District

MEMBERS OF COUNTY CENTRAL COMMITTEE

Member of County Central Committee
_____
_____ District.
____ to be elected.

_____	_____
_____	_____

Member of County Central Committee
_____
_____ District.
____ to be elected.

_____	_____
_____	_____

_____ PARTY

STATE (AND DISTRICT) OFFICES

Notice is also hereby given that following are the nonpartisan offices for which candidates are to be nominated at the primary election, together with the names and addresses of all persons for whom nomination papers have been filed for each office, and

that candidates for these offices may be voted for, at the primary election, by any voter of this county, whether registered as intending to affiliate with any political party or not.

NONPARTISAN OFFICES

JUDICIAL OFFICES

Same

(Title of office)	(Name of candidate)	(Post-office address of candidate)
_____	_____	_____
_____	_____	_____
_____	_____	_____
	_____ District	
_____	_____	_____
_____	_____	_____

SCHOOL OFFICES

_____	_____	_____
_____	_____	_____
_____	_____	_____

COUNTY OFFICES

_____	_____	_____
_____	_____	_____
_____	_____	_____
	_____ Supervisor District	
_____	_____	_____

Notice is also hereby given that at the primary election the polls will be open from the hour of 7 o'clock a.m. to the hour of 7 o'clock p.m. on the day thereof, and that during those hours the election will be held at the legally designated polling places in each precinct in this county, which are as follows:

	City of_____
(Name or number of precinct)	(Location of polling place)
Precinct _____	_____
Precinct _____	_____
	Town of_____
Precinct _____	_____
	(Outside of city)
Precinct _____	_____

Dated this _____ day of _____, 19___.

_____, County Clerk

SEC. 16. Section 3920 of said code is amended to read:

Ballots at primary elections

3920. All voting at primary elections shall be by ballot. A separate ballot for each political party shall be printed and provided for use at each voting precinct; but all party ballots shall be alike in the designation of candidates for nonpartisan offices. The ballots shall have a different tint or color for each

of the political parties participating in the primary election. There shall also be printed and provided a nonpartisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for nonpartisan offices to be voted for at the primary election.

The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

SEC. 17. Section 3921 of said code is amended to read:

Size of print

3921. Across the top of the ballot shall be printed in heavy-faced gothic capital type, not smaller than 48 point, the words: "Official primary election ballot"; except that on a nonpartisan ballot the words may be printed in gothic capital type not smaller than 24 point. Beneath this heading shall be printed in heavy-faced gothic capital type, not smaller than 24 point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a nonpartisan office, the words "Nonpartisan ballot." Beneath the party designation or the words "Nonpartisan ballot," shall be printed the respective number of the congressional, senatorial, or assembly district or the name of the county in which the ballot is to be voted and the date of the election in black-faced type, as large as the width of the ballot makes possible. In the case of ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official primary election ballot" shall be printed thereon in heavy-faced gothic capital type, not smaller than 24 point. The party or nonpartisan designation shall be printed in heavy-faced gothic capital type, not smaller than 18 point. The instructions to voters shall be printed in 10-point gothic type.

SEC. 18. Section 3926 of said code is amended to read:

Ballot organization

3926. In the case of primary elections where state officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to nonpartisan offices in the following order: Under the heading Judicial shall be printed all the names of candidates for judicial offices in the following order:

(a) Judge of superior court.

(b) Judge of inferior court.

Next, under the heading School shall be printed all the names of candidates for school offices in the following order:

(a) State Superintendent of Instruction.

(b) Superintendent of schools.

(c) School district officers, if any.

Next, under the heading County shall be printed the groups of candidates for all county offices except judicial or school offices.

SEC. 19. Section 3930 of said code is amended to read:

Nonpartisan offices

3930. The group of names of candidates for nomination to any nonpartisan office shall include all the names receiving the requisite number of signatures on a nomination paper for the office, and shall be identical on the primary election ballots of each political party participating at the primary election; but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by that party.

SEC. 20. Section 3941 of said code is amended to read:

Separation of candidates' names

3941. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "congressional," "legislative," "county" or "municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than 12 point.

SEC. 21. Section 7966 of said code is amended to read:

Statement of votes cast

7966. This statement shall show the whole number of votes cast for each .

(a) Candidates of each political party.

(b) Candidate for each nonpartisan office.

(c) Candidate for membership in the county central committee.

SEC. 22. Section 7970 of said code is amended to read:

Copy of returns to Secretary of State

7970. The county clerk in any county shall forthwith send to the Secretary of State by registered mail or by express one complete copy of all returns as to:

(a) All candidates voted for in more than one county.

(b) All candidates voted for wholly within one county for the following offices:

(1) State Assembly.

(2) State Senate.

(3) Representatives in Congress.

(4) Members of the State Board of Equalization

(5) Judicial officers, except judges of an inferior court.

(c) All persons voted for at the presidential primary. The returns for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed first and shall be sent separately within 12 days after the day of election.

SEC. 23. Section 7971 of said code is amended to read:

Compilation of returns

7971. The Secretary of State shall, not later than the thirty-fourth day after any primary election, compile the returns for:

(a) All candidates voted for in more than one county.

(b) All candidates for the:

(1) Assembly.

(2) State Senate.

(3) Congress.

(4) State Board of Equalization

(5) Judicial officers, except judges of an inferior court.

(c) All persons voted for at the presidential primary. He shall make out and file in his office a statement thereof

SEC. 24. Section 8100 of said code is amended to read:

8100 The board of supervisors shall declare elected to each county office or office of judge of an inferior court the person having the highest number of votes for that office. Officers elected

SEC. 25. Section 8101 of said code is amended to read:

8101. The county clerk immediately after declaring who is elected, shall make out and deliver to each person elected to a county office or an office of judge of an inferior court a certificate of election, signed and authenticated by the county clerk. Certificate of election

SEC. 26. Section 8530 of said code is amended to read:

8530 When an elector contests any election he shall file with the county clerk a written statement, setting forth specifically: Election contest statement

(a) The name of the contestant, and that he is an elector of the district or county as the case may be, in which the contested election was held.

(b) The name of the defendant.

(c) The office

(d) The particular grounds of contest and the section of this code under which the statement is filed

(e) The date of declaration of the result of the election by the body canvassing the returns thereof

SEC. 27. Section 8720 of said code is amended to read:

8720 This article applies only to: Application of article

(a) Candidates for delegate to a national convention for the nomination of party candidates for President and Vice President of the United States.

(b) Candidates for nomination at the direct primary to offices other than nonpartisan offices.

SEC. 28. Section 11050 of said code is amended to read:

11050. As used in this chapter "district" includes supervisorial district and judicial district. "District"

SEC. 29. Section 11051 of said code is amended to read:

11051. The holder of any elective office of any county or of any district, who has held his office at least six months, may be recalled at any time by the voters, by following the recall procedure set forth in this chapter. Recall

SEC. 30. Section 11052 of said code is amended to read:

11052 A petition demanding the election of a successor to the person sought to be recalled shall be filed with the county clerk. The petition shall be signed by voters equal in number to at least 20 percent of the entire vote last cast within the county for all candidates for the office which the incumbent, sought to be removed, occupies If the officer is not elected by the county at large, the same percentage of that vote is required within those precincts of the county embraced within the district of the county entitled to vote for a successor to the officer named. The petition shall contain a statement of the grounds on which the Petition to elect successor to recalled officer

recall is sought, for the information of the voters. Any insufficiency of form or substance in this statement shall not affect the validity of the election and proceedings held thereunder.

SEC. 31. Section 11053 of said code is amended to read:

Petition signers

11053. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. Each separate paper shall have attached to it an affidavit made by a voter of the county, or particular district, as the case may be. The affidavit shall state that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant:

Affidavit

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the county or particular district.

SEC. 32. Section 11054 of said code is amended to read:

11054. Petitions demanding the recall of an officer of a county or district shall indicate the date of each signature thereon.

Validity of petition

No such petition is valid for the purpose for which it was circulated after the expiration of six months from the date the first signature was affixed thereto, unless it has been filed in accordance with the provisions of this code.

SEC. 33. The heading of Chapter 2 of Division 4 of said code is amended to read:

CHAPTER 2. COUNTY ELECTIONS

SEC. 34. The heading of Chapter 2 of Division 13 of said code is amended to read:

CHAPTER 2. COUNTY OFFICERS

SEC. 35. Chapter 4, consisting of Section 10700, of Division 12 of said code is repealed.

CHAPTER 822

An act to repeal Section 3946 of, and to add Section 3946 to, the Elections Code, relating to the form of the ballot.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 3946 of the Elections Code is repealed.

SEC. 2. Section 3946 is added to the Elections Code, to read:

Ballot form

3946. Except as to the order of the names of candidates the ballot shall be printed in substantially the following form:

6352

(This number is to be [illegible] by inspector)

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

PERFORATED LINE (Fold ballot to this perforated line, leaving top margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

19th Congressional, 38th Senatorial, 45th Assembly District, June , 19 .

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No" All marks, except the cross (+) are forbidden All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another On absent voter s ballots mark a cross (+) with pen or pencil

26 REPUBLICAN

PERFORATED LINE

CONGRESSIONAL

United States Senator — Vote for One

WILLIAM F KNOWLAND Rep
United States Senator

ROBERT J ADAMS Rep
Real Estate

CLINTON D McKINNON Dem
Congressman

Representative in Congress Nineteenth District — Vote for One

CHET HOLIFIELD Dem
Member of Congress

CHRISTY J NELSON Rep
Attorney at Law

JOHN F SHEFFIELD Rep
Lawyer

[illegible] MABEY Rep
General Contractor

LEGISLATIVE

Member of Assembly Forty Fifth District — Vote for One

THOMAS J BOYLE Dem
Assembyman

FREDERICK [illegible] BOON Dem

COUNTY COMMITTEE

Member County Central Committee Forty Fifth Assembly District — Vote for Seven

[illegible] SULLIVAN

HOMER A [illegible] SR
Incumbent

KING [illegible]

[illegible] COZEAN
Incumbent

FLOYD [illegible]
Attorney at Law

CARL M [illegible]

[illegible] BACH

AUGUST [illegible] COVIELLO
Incumbent

TRACY H TOTTEN
Incumbent

JUDICIAL

Judge of the Superior Court Office No One — Vote for One

[illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Two — Vote for One

[illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Three — Vote for One

[illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Four — Vote for One

THOMAS [illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Five — Vote for One

[illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Six — Vote for One

[illegible]
Judge of the Superior Court

CHARLES R MACCOY
Judge of the Superior Court
Los Angeles Judicial District

Judge of the Superior Court Office No Seven — Vote for One

[illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Eight — Vote for One

DANIEL [illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Nine — Vote for One

FREDERICK McCOY
Judge of the Superior Court

Judge of the Superior Court Office No Ten — Vote for One

[illegible]
Judge of the Superior Court

Judge of the Superior Court Office No Eleven — Vote for One

[illegible]
Judge of the Superior Court

[illegible] ADAMS
Judge

COUNTY

District Attorney — Vote for One

[illegible]
District Attorney
Los Angeles County

CLAUDE A WATSON
Attorney at Law

6352

(This number is to be torn off by inspector)

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

(Fold ballot to this perforated line leaving PERFORATED LINE top margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

NON-PARTISAN BALLOT

18th Congressional, 38th Senatorial, 44th Assembly District, June . . . , 19 . . .

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No" All marks, except the cross (+) are forbidden All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter's ballots mark a cross (+) with pen or pencil

22 NON-PARTISAN

PERFORATED LINE

JUDICIAL

Judge of the Superior Court Office No One — Vote for One

CHAS W FRICKE
Judge of the Superior Court

Judge of the Superior Court Office No Two — Vote for One

SAMUEL R BLAKE
Judge of the Superior Court

Judge of the Superior Court Office No Three — Vote for One

CLARENCE L RINCAID
Judge of the Superior Court

Judge of the Superior Court Office No Four — Vote for One

THOMAS L AMBROSE
Judge of the Superior Court

Judge of the Superior Court Office No Five — Vote for One

CLARENCE M HANSON
Judge of the Superior Court

Judge of the Superior Court Office No Six — Vote for One

ALLEN W ASHBURN
Judge of the Superior Court

CHARLES B McCOY
Judge Municipal Court
Los Angeles Judicial District

Judge of the Superior Court Office No Seven — Vote for One

FREDERICK F HOUSER
Judge of the Superior Court

Judge of the Superior Court Office No Eight — Vote for One

DANIEL N STEVENS
Judge of the Superior Court

Judge of the Superior Court Office No Nine — Vote for One

PHILBRICK McCOY
Judge of the Superior Court

Judge of the Superior Court Office No Ten — Vote for One

VICTOR R HANSEN
Judge of the Superior Court

Judge of the Superior Court Office No Eleven — Vote for One

LOUIS H DIGRKE
Judge of the Superior Court

IDA MAY ADAMS
Judge

COUNTY

District Attorney — Vote for One

S ERNEST ROLL
District Attorney
Los Angeles County

CLAUDE A WATSON
Attorney at Law

Supervisor Fourth District — Vote for One

RAYMOND V DARBY
Supervisor Fourth District,
Los Angeles County

GLENN M ANDERSON
Business Man

GRAYDON F BLEKS
Public Relations Counsellor

HAROLD HARBY
Councilman City of
Los Angeles

ARTHUR E HILL
Insurance Executive

LEONARD J McMULLEN
Auditor

ERNEST A STEWART
Tax Economist

KIRK WHITE
Automobile Dealer

CHAPTER 823

An act to amend Section 132.6 of the Elections Code, relating to absentee voting.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 132.6 of the Elections Code is amended to read:

132.6. Whenever any person not a registered elector, or any person who has changed his residence since last registering, who qualifies under the provisions of Section 48 shall apply in writing or in person to the clerk for an absent voter's ballot and the application shows that he is a war voter, and that his place of residence is in the county, the clerk shall mail to the applicant with the absent voter's ballot, or deliver to him, blank forms of registration affidavit as prescribed in Article 3 of this chapter to be executed in duplicate by the applicant.

Application for absent voter's ballot

If the applicant desires to vote at the election he shall, on or before the day of the election and before marking the absent voter's ballot, execute the affidavit of registration under the provisions of Section 120, 132, or 132.5 before the clerk, any notary public, commissioned officer, warrant officer, or noncommissioned officer of a grade not lower than sergeant or equivalent rating of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States and return the same, in the return envelope but not in the identification envelope, together with the absent voter's ballot enclosed in the identification envelope, to the clerk from whom the same were received.

Affidavit of registration

Upon receipt thereof within the time required by law for the return of the absent voter's ballots, the clerk shall examine the affidavit of registration and if it appears therefrom that the affidavit of registration is properly executed and that the facts stated therein are such as would have entitled the applicant to register and vote at the election, if the affidavit had been executed in this State and within the time required by law, then the affiant shall be deemed a duly registered elector as of the date of the affidavit to the same extent and with the same effect as though he had registered in proper time prior to the election before the clerk.

Acceptance or rejection

Upon determining that the affidavit of registration so received by him is sufficient the clerk shall deal with the absent voter's ballot returned in the same manner as other absent voters' ballots are required to be dealt with by law. If he determines that the affidavit of registration is insufficient he shall write thereon the word "rejected" with the date of rejection and the reason therefor and shall likewise write upon the identification envelope the word "rejected", the date and the words "not registered"; provided, that if it appears from the

affidavit of registration that the affiant is entitled to register and vote at the election in some other city, county or city and county in this State then the clerk shall immediately mail such affidavit of registration and absent voter's ballot to the clerk of such other city, county or city and county who upon receipt thereof shall deal with them as though application therefor had been originally made to him and he had received the affidavit and ballot from the affiant.

When the affidavit is received by a clerk. other than a county clerk, the clerk receiving it shall, after the election, transmit it to the county clerk who, in case the affidavit is not subject to rejection, shall file the original and make a duplicate thereof which duplicate shall be used as are other duplicate affidavits of registration. If an affidavit of registration is rejected it shall be returned to the applicant with the reason for rejection endorsed thereon, together with a new blank form of affidavit.

CHAPTER 824

An act to amend Section 6342 of the Elections Code, relating to election officers.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 6342 of the Elections Code is amended to read:

Additional election inspectors or judges

6342. Where more than one voting machine is used in any precinct there shall be appointed an additional inspector or judge for each additional machine. At the discretion of the election board, additional judges may be appointed, not to exceed one additional judge for each additional machine.

CHAPTER 825

An act to amend Sections 7003, 7005, 7007, and 7008 of the Elections Code, relating to canvass at precincts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7003 of the Elections Code is amended to read:

Canvass of votes

7003. As soon as the polls are finally closed the precinct board shall immediately commence to canvass the votes by taking out of the box the ballots, unopened, except so far as to ascertain whether each ballot is single, and counting them to ascertain whether the number of ballots corresponds with the number of names on the roster kept by the clerks.

SEC. 2. Section 7005 of said code is amended to read:

7005. If the precinct board finds two or more separate ballots so folded together as to present the appearance of a single ballot, it shall lay them aside until the count of the ballots is completed. If upon comparison of the count with the number of names of voters on the roster, it appears that the two ballots folded together were cast by one voter, the precinct board shall reject them. Ballots folded together

SEC. 3. Section 7007 of said code is amended to read:

7007. If the ballots in the box exceed in number the names on the roster, one of the judges shall publicly, and without looking into the box, draw out singly, and destroy, unopened, a number of ballots equal to such excess. The precinct board shall make a record, upon the roster and tally list of the number of ballots so drawn and destroyed. Excess ballots

SEC. 4. Section 7008 of said code is amended to read:

7008. The number of ballots agreeing or being thus made to agree with the number of names on the roster, the inspector and judges shall sign the roster and tally lists. The clerks shall attest the roster and tally lists. The precinct board shall set down in words and figures at the foot of each list, and over the signatures of the inspector and judges and the attestation of the clerks, substantially in the form prescribed in Section 5565, the number of names on the roster. Roster and tally lists

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CHAPTER 826

An act to amend Section 7101, and to repeal Section 7102, of the Elections Code, relating to election ballots.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7101 of the Elections Code is amended to read:

7101. The precinct board shall enclose and seal in one or more packages as determined by the county clerk the voted, spoiled, canceled and unused ballots. Packaging of ballots

SEC. 2. Section 7102 of said code is hereby repealed. Repeal

CHAPTER 827

An act to amend Section 7109 of the Elections Code, relating to elections.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7109 of the Elections Code is amended to read:

Delivery of ballot packages

7109. The member of the precinct board to whom the packages are delivered shall, without delay, deliver the packages without their having been opened, to the county clerk, or to a receiving station designated by the county clerk or registrar of voters, where a deputy may receive them and transport the same to the office of the county clerk, or to the nearest postmaster or sworn express agent, who shall endorse on such packages the name of the parties delivering them and the date of such delivery.

If delivered to a postmaster, or express agent, such postmaster, or express agent, shall forward the packages by the first mail or express to the county seat.

CHAPTER 828

An act to amend Section 7207 of, and to repeal Sections 7205 and 7206 of, the Elections Code, relating to election procedure.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7207 of the Elections Code is amended to read:

Ballot packages. Inspection, etc.

7207. The county clerk shall retain in his custody the package or packages described in Section 7104.

The tally lists shall be made available to the body charged with the canvass of the returns of the election. All voters may inspect the contents of the package or packages at all times following commencement of the official canvass of the votes. The package or packages shall be disposed of in the same manner as voted ballots.

Repeal

SEC. 2. Sections 7205 and 7206 of said code are repealed.

CHAPTER 829

An act to add Sections 5821.1, 5821.2 and 5824.1 to, and to amend Sections 5825 and 5829 of, the Streets and Highways Code, relating to county maintenance districts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5821.1 is added to the Streets and Highways Code, to read:

Resolution of intention to annex, etc.

5821.1. The board of supervisors may, in its resolution declaring its intention to order work done or improvements made, declare its intention to order the territory within which the

work is to be done or improvements constructed annexed to an existing maintenance district formed under the provisions of this chapter or under the provisions of Chapter 4, Part 3, Division 5, of the Health and Safety Code.

The resolution of intention may describe the territory to be annexed as having the same boundaries as those of the district to be assessed for the cost of constructing the improvements.

SEC. 2. Section 5821.2 is added to the Streets and Highways Code, to read:

Notice

5821.2. If the board of supervisors in its resolution of intention declares its intention to order the territory within which the improvements are to be constructed annexed to an existing maintenance district, the notice of improvement shall likewise give notice of such declaration of intention and that protests against such annexation may be filed and will be heard in accordance with the provisions of this chapter at the time and place provided for the hearing on the resolution of intention to perform the work.

The board of supervisors shall acquire jurisdiction to order the annexation of such territory to an existing maintenance district by giving notice within the territory proposed to be annexed in the same manner prescribed in this division for the acquiring of jurisdiction to order the construction of improvements, and within the district to which such territory is proposed to be annexed by giving notice as is provided to be given in such district by Section 5838.

SEC. 3. Section 5824.1 is added to the Streets and Highways Code, to read:

Protests

5824.1. If the resolution of intention contemplates annexation of the territory within which the improvements are to be constructed to an existing maintenance district, written protests against such annexation or the extent thereof may be filed by any interested person.

SEC. 4. Section 5825 of the Streets and Highways Code is amended to read:

5825. The board of supervisors, in addition to hearing protests against the proposed work and the extent of the district to be assessed therefor, shall hear and pass upon all protests against the formation of the maintenance district and against the extent thereof, and shall hear and pass upon all protests against the annexation of the territory within which the improvements are to be constructed to an existing maintenance district, and its decision shall be final and conclusive.

SEC. 5. Section 5829 of the Streets and Highways Code is amended to read:

Filing of copy of resolution

5829. A copy of the resolution ordering the formation of the maintenance district or the annexation of territory to an existing maintenance district shall be filed in the office of the county assessor and the county assessor shall thereafter, in making up the assessment roll, segregate the property included within such district on the assessment roll under the designation contained in the resolution.

CHAPTER 830

An act to amend Section 5390 of the Streets and Highways Code, relating to the payment of assessments under the Improvement Act of 1911.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5390 of the Streets and Highways Code is amended to read:

Authority of contractor under warrant

5390. The warrant, after its delivery to the contractor or his assigns, shall be and constitute full authority to the contractor, his agents or assigns, to collect the assessments and they shall be free to make demands upon the owners by virtue of the warrant and to demand and receive payment of the same, and give receipt therefor. They shall not receive any payments on the assessment without delivering receipts therefor and the contractor, his agents or assigns, immediately shall report all payments to the street superintendent. The street superintendent shall file all reports of payments by attaching the same in the assessment book immediately following the record of the assessment, and shall mark upon the assessment the date and fact of payment. The street superintendent also shall, upon presentation of the receipt, mark upon the assessment the date and fact of payment.

Payment of assessments Time of

Assessments may be paid in whole or in part during the 30-day period after the same become due and payable.

CHAPTER 831

An act to add a new section to the Public Resources Code to be numbered 2361, relating to mining partnerships.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Public Resources Code, to be numbered 2361, reading as follows:

Exemptions

2361. This chapter shall not apply to any operations for the extraction of oil, gas and other hydrocarbons.

CHAPTER 832

An act to add Section 7407.1 to the Education Code, relating to the issuance and sale of bonds of joint school districts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7407.1 is added to the Education Code, to read:

7407.1. The proceedings relating to the authorization of bonds of a joint school district of any type need be certified only to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district. Said board of supervisors may issue and sell such bonds and no action of the board of supervisors of any other county in which the district is situated shall be required in connection with such issuance and sale, and such bonds need not be signed by any officer of any such other county.

Bond issue of joint school district

CHAPTER 833

An act to amend Section 9300 of the Financial Code and to add thereto Sections 6463 and 9308.1, relating to amendment of articles of incorporation of savings and loan associations and to conversion of federal savings and loan associations into state associations.

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 9300 of the Financial Code is amended to read:

9300. Any federal savings and loan association may convert itself into a savings and loan association under the laws of this State upon a vote of 51 percent or more of the votes of members of such federal savings and loan association cast at any regular or special meeting called to consider such action. Such conversion may be to a savings and loan association which (a) issues only shares or (b) issues two or more of the following: shares, stock, and investment certificates.

Conversion of federal to state association

SEC. 2. Section 6463 is added to said code, to read:

6463. With the approval of the commissioner, an association, although it has shares but no stock outstanding, may amend its articles of incorporation to authorize the issuance of stock and may issue stock. Any amendment to the articles of incorporation and by-laws of an association which for the first time authorizes it to issue stock must be approved by the vote or written assent of the holders of two-thirds in value of its outstanding shares. An association which has shares but no stock outstanding shall not issue stock unless it gives its shareholders, for a period of at least 60 days, the prior right to subscribe to the stock to be initially issued in the same proportions that the value of their respective shares bears to the aggregate value of all shares of the association, except that fractional shares of stock need not be issued but in such case fractional subscription rights shall be issued which may be combined to authorize the subscription of one or more shares of stock. The commissioner may require, as a condition to permitting the issuance of stock by an association which has shares but no

Amendment of articles to authorize stock issue

stock outstanding, that all stock to be initially issued be subscribed and fully paid. An amendment to the articles of incorporation of an association pursuant to this section may include such provisions with respect to the surplus, reserves and undivided profits of such association as may be approved by the vote or written assent of the holders of two-thirds in value of its outstanding shares, and in such case the surplus, reserves and undivided profits shall be retained and disposed of in accordance with such provisions.

SEC. 3. Section 9308.1 is added to said code, to read:

Stock subscriptions, issue, payments, etc

9308.1. In the event stock is to be issued by the converted association the commissioner may issue his permit to the federal savings and loan association or to the board of directors elected to serve after conversion, authorizing it or them to take subscriptions to stock, to collect payments therefor and to impound such payments pending the issuance of stock, and authorizing the converted association to issue stock after the filing of its articles of incorporation with the Secretary of State. The commissioner may require, as a condition to permitting the issuance of stock by a converted association, that all stock to be initially issued be subscribed and fully paid. The commissioner may also issue a license to the converted association to be effective upon such filing of its articles of incorporation, and may also make such other orders and issue such other permits as may be necessary to authorize the association to continue business without interruption upon such filing of its articles of incorporation.

CHAPTER 834

An act to amend Sections 5532 and 5711 of the Public Resources Code, relating to the election of directors of regional park districts.

In effect September 9, 1953

[Approved by Governor May 21, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5532 of the Public Resources Code is amended to read:

Election laws applicable

5532. Except as otherwise provided in this section, the provisions of Sections 3040 and 3041 of the Elections Code and of Sections 5, 6 and 10 of the Direct Primary Law as the latter existed in 1926 shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures and fastening together of sections of the nomination paper containing the signatures, the filing of the candidate's affidavit, the payment of filing fees, and all other things necessary to get the name of the candidate upon the ballot.

Verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 65 days nor less than 40 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 60 days nor less than 35 days before the day of election and shall be examined by him. Nomination papers

The election shall be consolidated with the general election as to territory which is the same, and the secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected by the consolidation at least 25 days prior to the date of the election. Consolidated election

Upon the filing of a sufficient nomination paper and affidavit by any candidate, the name of the candidate shall go upon the ballot at the ensuing general election. Upon receipt of the returns of the canvass by the respective boards of supervisors, the directors of the district shall meet and determine results of the election and declare the candidate or candidates elected. Canvass, etc

The secretary of the district shall issue certificates of election, signed by him and duly authenticated, immediately following the determination of the result of the election by the directors of the district. Certificates of election

The oath of office shall be taken, subscribed, and filed with the secretary of the district within 30 days after the officer has notice of his election or appointment or before the expiration of 15 days before the commencement of his term of office. No other filing is required. Oath of office

SEC. 2. Section 5711 of the Public Resources Code is amended to read:

5711. Except as otherwise provided in this section, the provisions of Sections 3040 and 3041 of the Elections Code and of Sections 5, 6 and 10 of the Direct Primary Law as the latter existed in 1926 shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures and fastening together of sections of the nomination paper containing the signatures, the filing of the candidate's affidavit, the payment of filing fees, and all other things necessary to get the name of the candidate upon the ballot. Election laws applicable

Verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 65 days nor less than 40 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 60 days nor less than 35 days before the day of election and shall be examined by him. Nomination papers

The election shall be consolidated with the general election as to territory which is the same, and the secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected by the consolidation at least 25 days prior to the date of election. Consolidated election

Canvass, etc.

Upon the filing of a sufficient nomination paper and affidavit by any candidate, the name of the candidate shall go upon the ballot at the ensuing general election. Upon receipt of the returns of the canvass by the respective boards of supervisors, the directors of the district shall meet and determine results of the election and declare the candidate or candidates elected.

Certificates of election

The secretary of the district shall issue certificates of election, signed by him and duly authenticated, immediately following the determination of the result of the election by the directors of the district.

Oath of office

The oath of office shall be taken, subscribed, and filed with the secretary of the district within 30 days after the officer has notice of his election or appointment or before the expiration of 15 days before the commencement of his term of office. No other filing is required.

CHAPTER 835

An act to amend Section 19539 of the Business and Professions Code, relating to horse racing.

In effect September 9, 1953

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 19539 of the Business and Professions Code is amended to read:

Harness racing days

19539. In addition to the racing days which may be allowed under other sections of this chapter, the board may allow not to exceed a total of 84 days for harness racing only, except that at such harness meetings, the licensee may run one or more quarter horse races as approved by the board. Forty-two of said 84 days shall be allocated to licensed racing associations conducting horse racing meetings south of the sixth standard parallel south, Mount Diablo base and meridian, and the remainder to licensed racing associations conducting such meetings north of said standard parallel.

CHAPTER 836

An act to amend Sections 23151 and 23158 of the Government Code, relating to the boundaries of counties.

In effect September 9, 1953

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 23151 of the Government Code is amended to read:

Boundaries of Sutter County

23151. The boundaries of Sutter County are as follows:

Beginning at the northwest corner of Sacramento County, said northwest corner being at the intersection of the center line of the channel of the Sacramento River with the line dividing Section 12, Township 10 North, Range 3 East, Mount Diablo Base and Meridian into north and south halves; running thence upstream along said center line of the channel of Sacramento River, following the meanderings thereof as said channel was established by official government meander line surveys prior to 1870, of record in the Office of the United States Surveyor General for the State of California, to the intersection of said center line of the channel of Sacramento River with the center line of the channel of Butte Slough; thence northeasterly along said center line of the channel of Butte Slough to the intersection of said last named center line with the east line of Section 35, Township 16 North, Range 1 West, Mount Diablo Base and Meridian; thence northerly along said east line of Section 35 and along the extension thereof to the intersection of said east line of Section 35 extended northerly with the center line of the channel of Butte Creek; thence northwesterly and northeasterly along said center line of the channel of Butte Creek upstream following the meanderings thereof to the intersection of said center line of the channel of Butte Creek with the north line of Section 30, Township 17 North, Range 1 East, Mount Diablo Base and Meridian; thence easterly along the north lines of said Section 30, and Sections 29, 28, 27, 26, and 25, of said last named township and range, along the north lines of Sections 30, 29, 28, 27, 26, and 25, Township 17 North, Range 2 East, Mount Diablo Base and Meridian, along the north line of fractional Section 30, Township 17 North, Range 3 East, Mount Diablo Base and Meridian, and along said last named north line of fractional Section 30 produced easterly through Boga Rancho to the intersection of said last named line produced easterly with the center line of the channel of Feather River; thence southerly downstream along said center line of the channel of Feather River following the meanderings thereof, as said channel of Feather River was established by official government meander line surveys prior to 1870, of record in the Office of the United States Surveyor General for the State of California, to the intersection of said center line of the channel of Feather River with the center line of the channel of Bear River, said point of intersection being 2100.00 feet south of a monument on the boundary line between the Counties of Yuba and Sutter, said monument being south 88° 40′ 32″ west and distant on said course 3990.00 feet from the southwest corner of Section 32, Township 13 North, Range 4 East, Mount Diablo Base and Meridian; running thence north 2100.00 feet to said monument; thence north 12° 25′ 50″ east 5472.52 feet to a point which is south 89° 13′ 30″ west and distant on said course 2840.00 feet from the northwest corner of said Section 32; thence north 28° 05′ 20″ east 6041.67 feet to the northwest corner of Section 29 of said township and range; thence

north 88° 40′ 30″ east along the north line of said Section 29, 2220.00 feet to a point which is south 88° 36′ 20″ west and distant on said course 2878.20 feet from the intersection of said north line of Section 29 with the center line of the Sacramento Northern Railway, formerly known as the Northern Electric Railway, as said center line of the railway is laid down and delineated upon the official plat of Bear River Garden Subdivision No. 2 of record in Book 3 of Surveys, page 22, Sutter County Records; thence north 23° 01′ 36″ east, 7439.33 feet to a point on said center line of the Sacramento Northern Railway, which point is north 0° 16′ 30″ east and distant on said course 6780.00 feet from said intersection of the center line of the railway with the north line of said Section 29; thence south 86° 03′ 55″ east 5334.98 feet to a point which is north 0° 06′ 00″ west and distant on said course 3620.00 feet from a concrete monument at the southwest corner of Lot 25 of Bear River Garden Subdivision No. 2; thence north 47° 02′ 26″ east 6060.57 feet; thence north 82° 44′ 27″ east 830.00 feet to a point which is north 0° 05′ 33″ west and distant on said course 2488.27 feet from a concrete monument at the southwest corner of Lot 1 of Bear River Garden Subdivision No. 3; thence north 82° 44′ 27″ east 3582.00 feet; thence north 10° 52′ 00″ east 938.34 feet; thence north 54° 20′ 00″ east 641.00 feet; thence north 0° 04′ 00″ east 971 00 feet; thence north 37° 17′ 00″ east 715.00 feet; thence south 42° 50′ 00″ east 692.00 feet; thence south 81° 50′ 00″ east 118.00 feet to a point which is north 0° 13′ 30″ west and distant on said course 2504.99 feet from the southwest corner of Section 12 of said last named township and range; thence south 81° 50′ 00″ east 142.03 feet; thence north 15° 52′ 10″ east 570.02 feet; thence north 60° 01′ 10″ east 245.08 feet; thence north 69° 24′ 50″ east 799.71 feet; thence north 70° 09′ 50″ east 283.24 feet; thence south 76° 42′ 25″ east 691.78 feet; thence south 78° 32′ 50″ east 493.68 feet; thence south 70° 42′ 40″ east 794 33 feet; thence north 80° 36′ 30″ east 450.13 feet; thence north 58° 30′ 50″ east 529.14 feet; thence north 68° 57′ 10″ east 993.96 feet to a point which is north 0° 03′ 30″ west and distant on said course 3390.71 feet from the southeast corner of said Section 12; thence north 69° 57′ 40″ east 774.51 feet; thence north 44° 02′ 50″ east 650.79 feet; thence north 60° 57′ 20″ east 617.99 feet; thence north 71° 37′ 20″ east 974.27 feet; thence north 78° 44′ 50″ east 925.30 feet; thence south 76° 01′ 50″ east 1301.54 feet to a point which is north 0° 46′ 00″ west and distant on said course 4763.20 feet from the southwest corner of Section 8, Township 13 North, Range 5 East, Mount Diablo Base and Meridian; thence south 76° 20′ 00″ east 205.00 feet; thence south 88° 35′ 00″ east 527.00 feet; thence south 70° 20′ 00″ east 251.00 feet; thence south 43° 50′ 00″ east 867.00 feet; thence south 35° 05′ 00″ east 500.00 feet; thence south 55° 20′ 00″ east 169.00 feet; thence south 58° 20′ 00″ east 428 00 feet; thence north 39° 25′ 35″ east 816.05 feet; thence south 70° 50′ 00″ east 1365.00 feet; thence north 65° 40′ 00″ east 435.00 feet; thence south

77° 20′ 00″ east 270.00 feet; thence north 72° 50′ 04″ east 555.45 feet to a point which is north 0° 00′ 39″ west and distant on said course 3646.71 feet from the southeast corner of said Section 8; thence north 73° 05′ 51″ east 1379.31 feet; thence north 22° 11′ 28″ east 231.36 feet; thence north 88° 05′ 00″ east 352.00 feet; thence north 73° 45′ 00″ east 300.00 feet; thence north 45° 10′ 00″ west 448.00 feet; thence north 7° 50′ 00″ east 101.00 feet; thence north 50° 05′ 00″ east 257.00 feet; thence north 77° 53′ 08″ east 584.63 feet; thence north 23° 20′ 00″ east 472 00 feet; thence north 65° 30′ 00″ east 190.00 feet; thence south 30° 00′ 00″ east 405.00 feet; thence north 54° 00′ 00″ east 441 00 feet; thence north 36° 45′ 00″ east 515.00 feet; thence north 63° 30′ 00″ east 438.00 feet; thence north 66° 24′ 35″ east 729.53 feet; thence north 40° 30′ 00″ east 386.00 feet; and thence south 86° 00′ 00″ east 217.00 feet to a point on the east line of Section 4 of said Township 13 North, Range 5 East, said point being north 0° 16′ 05″ west and distant on said course 1343 08 feet from the southeast corner of said Section 4, and said point being the corner common to Sutter and Placer Counties on the southerly line of Yuba County; thence southerly along the east line of said Section 4 and along the east lines of Sections 9, 16, 21, 28, and 33 of said township and range to the southeast corner of said Section 33; thence westerly along the south line of said Section 33 and along the south lines of Sections 32 and 31 of said last named township and range to the southwest corner of said Section 31; thence southerly along the range line between Township 12 North, Range 4 East and Township 12 North, Range 5 East and along the range line between Township 11 North, Range 4 East and Township 11 North, Range 5 East, Mount Diablo Base and Meridian to the southeast corner of Section 36 of said Township 11 North, Range 4 East; thence westerly along the south line of said Section 36 to the northeast corner of fractional Section 1 of Township 10 North, Range 4 East, Mount Diablo Base and Meridian; thence southerly along the east line of fractional Section 1 and along the east line of Section 12 of said last named township and range to the intersection of said east line of Section 12 with the northerly line of Sacramento County, said intersection being south 85° 15′ 00″ east of a point on the line dividing Section 11 of said last named township and range into north and south halves, said point being 2121 00 feet westerly measured along said half section line from the quarter section corner between said Section 11 and 12, and said northerly line of Sacramento County being a direct line drawn from said point on the line dividing Section 11 into north and south halves to the junction of the north and south forks of the American River; thence north 85° 15′ 00″ west to said point on the line dividing Section 11 into north and south halves; and thence westerly along said line dividing Section 11 into north and south halves, along the lines dividing Sections 10, 9, 8, and 7 of said last named township and range and along said line dividing Section 12

of Township 10 North, Range 3 East, Mount Diablo Base and Meridian into north and south halves to the point of beginning.

SEC. 2. Section 23158 of said code is amended to read:

Boundaries of Yuba County

23158. The boundaries of Yuba County are as follows:

Beginning at the southwest corner at a point at the intersection of the center of the channel of Bear River with the center of the channel of Feather River, said point being 2100.00 feet south of a monument on the boundary line between the Counties of Yuba and Sutter, said monument being south 88° 40′ 32″ west and distant on said course 3990.00 feet from the southwest corner of Section 32, Township 13 North, Range 4 East, Mount Diablo Base and Meridian; running thence north 2100 00 feet to said monument; thence north 12° 25′ 50″ east 5472.52 feet to a point which is south 89° 13′ 30″ west and distant on said course 2840.00 feet from the northwest corner of said Section 32; thence north 28° 05′ 20″ east 6041.67 feet to the northwest corner of Section 29 of said township and range; thence north 88° 40′ 30″ east along the north line of said Section 29, 2220.00 feet to a point which is south 88° 36′ 20″ west and distant on said course 2878.20 feet from the intersection of said north line of Section 29 with the center line of the Sacramento Northern Railway, formerly known as the Northern Electric Railway, as said center line of the railway is laid down and delineated upon the official plat of Bear River Garden Subdivision No. 2 of record in Book 3 of Surveys, page 22, Sutter County Records; thence north 23° 01′ 36″ east, 7439.33 feet to a point on said center line of the Sacramento Northern Railway, which point is north 0° 16′ 30″ east and distant on said course 6780 00 feet from said intersection of the center line of the railway with the north line of said Section 29; thence south 86° 03′ 55″ east 5334.98 feet to a point which is north 0° 06′ 00″ west and distant on said course 3620.00 feet from a concrete monument at the southwest corner of Lot 25 of Bear River Garden Subdivision No. 2; thence north 47° 02′ 26″ east 6060.57 feet; thence north 82° 44′ 27″ east 830 00 feet to a point which is north 0° 05′ 33″ west and distant on said course 2488.27 feet from a concrete monument at the southwest corner of Lot 1 of Bear River Garden Subdivision No. 3; thence north 82° 44′ 27″ east 3582.00 feet; thence north 10° 52′ 00″ east 938.34 feet; thence north 54° 20′ 00″ east 641.00 feet; thence north 0° 04′ 00″ east 971.00 feet; thence north 37° 17′ 00″ east 715.00 feet; thence south 42° 50′ 00″ east 692.00 feet; thence south 81° 50′ 00″ east 118.00 feet to a point which is north 0° 13′ 30″ west and distant on said course 2504.99 feet from the southwest corner of Section 12 of said township and range; thence south 81° 50′ 00″ east 142.03 feet; thence north 15° 52′ 10″ east 570 02 feet; thence north 60° 01′ 10″ east 245.08 feet; thence north 69° 24′ 50″ east 799.71 feet; thence north 70° 09′ 50″ east 283.24 feet; thence south 76° 42′ 25″ east 691.78 feet; thence south 78° 32′ 50″ east 493.68 feet; thence south 70° 42′ 40″ east 794.33 feet; thence north 80° 36′ 30″ east 450.13 feet; thence north 58° 30′ 50″ east 529.14 feet; thence north 68° 57′ 10″ east

993.96 feet to a point which is north 0° 03′ 30″ west and distant on said course 3390.71 feet from the southeast corner of said Section 12; thence north 69° 57′ 40″ east 774.51 feet; thence north 44° 02′ 50″ east 650.79 feet; thence north 60° 57′ 20″ east 617.99 feet; thence north 71° 37′ 20″ east 974.27 feet; thence north 78° 44′ 50″ east 925.30 feet; thence south 76° 01′ 50″ east 1301.54 feet to a point which is north 0° 46′ 00″ west and distant on said course 4763.20 feet from the southwest corner of Section 8, Township 13 North, Range 5 East, Mount Diablo Base and Meridian; thence south 76° 20′ 00″ east 205.00 feet; thence south 88° 35′ 00″ east 527.00 feet; thence south 70° 20′ 00″ east 251.00 feet; thence south 43° 50′ 00″ east 867.00 feet; thence south 35° 05′ 00″ east 500.00 feet; thence south 55° 20′ 00″ east 169.00 feet; thence south 58° 20′ 00″ east 428 00 feet; thence north 39° 25′ 35″ east 816.05 feet; thence south 70° 50′ 00″ east 1365.00 feet; thence north 65° 40′ 00″ east 435.00 feet; thence south 77° 20′ 00″ east 270.00 feet; thence north 72° 50′ 04″ east 555.45 feet to a point which is north 0° 00′ 39″ west and distant on said course 3646.71 feet from the southeast corner of said Section 8; thence north 73° 05′ 51″ east 1379.31 feet; thence north 22° 11′ 28″ east 231 36 feet; thence north 88° 05′ 00″ east 352.00 feet; thence north 73° 45′ 00″ east 300.00 feet; thence north 45° 10′ 00″ west 448.00 feet; thence north 7° 50′ 00″ east 101 00 feet; thence north 50° 05′ 00″ east 257.00 feet; thence north 77° 53′ 08″ east 584.63 feet; thence north 23° 20′ 00″ east 472.00 feet; thence north 65° 30′ 00″ east 190.00 feet; thence south 30° 00′ 00″ east 405 00 feet; thence north 54° 00′ 00″ east 441.00 feet; thence north 36° 45′ 00″ east 515.00 feet; thence north 63° 30′ 00″ east 438.00 feet; thence north 66° 24′ 35″ east 729.53 feet; thence north 40° 30′ 00″ east 386.00 feet; and thence south 86° 00′ 00″ east 217.00 feet to a point on the east line of Section 4 of said Township 13 North, Range 5 East, said point being north 0° 16′ 05″ west and distant on said course 1343.08 feet from the southeast corner of said Section 4, and said point being the corner common to Sutter and Placer Counties on the southerly line of Yuba County; thence easterly upstream along the centerline of the original or old channel of Bear River as said channel was established by official government meander line surveys prior to 1870, of record in the office of the United States Surveyor General for the State of California, to the southwesterly corner of Nevada County, said corner being a point in the center of said channel of Bear River which point is south of the point of intersection of the centerline of the main channel of Yuba River with the centerline of the channel of Deer Creek; thence north to said point of intersection of the main channel of Yuba River with the centerline of Deer Creek; thence northeasterly upstream along said centerline of the main channel of Yuba River to the intersection of said centerline of the main channel of Yuba River with the centerline of the channel of the Middle Yuba River; thence northeasterly and easterly upstream, along said centerline of the channel of the Middle Yuba River 10

miles to the southwesterly corner of Sierra County; thence northerly along the boundary line between Yuba and Sierra Counties in a direct line to Cuteye Foster's Bar on the North Yuba River, thence northwesterly downstream along the centerline of the channel of said North Yuba River to the intersection of said centerline of North Yuba River with the centerline of Big Cannon Creek, also known as Cannon Creek; thence northeasterly upstream along said centerline of the channel of Big Cannon Creek four miles; thence northerly in a direct line to the corner common to Yuba and Sierra Counties on the southeasterly line of Plumas County in the center of Slate Creek; thence southwesterly along said southeasterly line of Plumas County in a direct line to the corner common to Plumas, Butte and Yuba Counties situated in the northwest quarter of Section 15, Township 20 North, Range 8 East, Mount Diablo Base and Meridian and indicated by a large spruce tree standing in front of Buckeye House; thence southerly in a direct line to the southeast corner of Section 16 of said Township and range last named; thence westerly along the south line of said Section 16 and along the south line of Section 17 of said last named township and range to the quarter section corner between said Section 17 and Section 20 of said last named township and range; thence southerly along the line dividing said Section 20 and Section 29 of said last named township and range into east and west halves to the southeast corner of the northeast quarter of the northwest quarter of said Section 29; thence westerly along the south line of said northeast quarter of the northwest quarter of Section 29 and along the south line of the northwest quarter of said northwest quarter of Section 29 to the southwest corner of said northwest quarter of the northwest quarter of Section 29; thence southerly along the west line of said Section 29 to the quarter section corner between said Section 29 and Section 30 of said last named township and range; thence westerly along the line dividing said Section 30 and Section 25 of Township 20 North, Range 7 East, Mount Diablo Base and Meridian into north and south halves to the center of said Section 25; thence southerly along the line dividing said Section 25 into east and west halves to the quarter section corner between said Section 25 and Section 36 of said last named township and range; thence westerly along the north line of said Section 36 to the northwest corner of said Section 36; thence southerly along the west line of said Section 36 and along the west line of Section 1 of Township 19 North, Range 7 East, Mount Diablo Base and Meridian, to the southwest corner of said Section 1; thence westerly along the north line of Section 11 of said last named township and range to the quarter section corner between said Section 11 and Section 2 of said last named township and range; thence southerly to the center of said Section 11; thence westerly along the line dividing said Section 11 and Section 10 of said last named township and range into north and south halves to the quarter section corner between said Section 10 and Section 9 of said last named township and

range; thence northerly along the east line of said Section 9 to the northeast corner of said Section 9; thence westerly along the north line of said Section 9 and the north lines of Sections 8 and 7 of said last named township and range to the northwest corner of said Section 7; thence southerly along the west line of said Section 7 to the southwest corner of said Section 7; thence westerly along the southerly line of Sections 12 and 11 of Township 19 North, Range 6 East, Mount Diablo Base and Meridian to the southwest corner of said Section 11; thence northerly along the west line of said Section 11 to the quarter section corner between said Section 11 and Section 10 of said last named township and range; thence westerly along the line dividing said Section 10 and Section 9 of said last named township and range into north and south halves to the center of said Section 9; thence southerly along the line dividing said Section 9 and Section 16 of said last named township and range into east and west halves to the quarter section corner between said Section 16 and Section 21 of said last named township and range; thence westerly along the north line of said Section 21 to the northeast corner of the northwest quarter of the northwest quarter of said Section 21; thence southerly along the east line of said northwest quarter of the northwest quarter of Section 21, the east line of the southwest quarter of the northwest quarter of said Section 21 and the east line of the northwest quarter of the southwest quarter of said Section 21 to the southeast corner of said northwest quarter of the southwest quarter of Section 21; thence westerly along the south line of said northwest quarter of the southwest quarter of Section 21 to the southwest corner of said northwest quarter of the southwest quarter of Section 21; thence southerly along the west line of said Section 21 and Section 28 of said last named township and range, to the quarter section corner between said Section 28 and Section 29 of said last named township and range; thence westerly along the line dividing said Section 29 into north and south halves to the center of said Section 29; thence southerly along the line dividing said Section 29 into east and west halves to the quarter section corner between said Section 29 and Section 32 of said last named township and range; thence westerly along the north line of said Section 32 to the northwest corner of said Section 32; thence southerly along the west line of said Section 32 to the northeast corner of the southeast quarter of the northeast quarter of Section 31 of said last named township and range; thence westerly to the northwest corner of said southeast quarter of the northeast quarter of Section 31; thence southerly along the west line of said southeast quarter of the northeast quarter of Section 31, the west line of the northeast quarter of the southeast quarter of said Section 31 and the west line of the southeast quarter of the southeast quarter of said Section 31 to the south line of said Section 31; thence westerly along said south line of Section 31 to the intersection of said south line of Section 31 with the center line of the channel of Honcut Creek; thence southwest-

erly down stream along the center line of the channel of Honcut Creek, following the meanderings thereof as said channel is shown on the map entitled, "Map of Re-Survey of Part of the Line between the Counties of Butte and Yuba Cal. following Line of Honcut Creek as established by Westcoatt and Henning in 1859, surveyed in the Month of November 1901 by orders of the Boards of Supervisors of the Counties of Butte and Yuba by Jason R. Meek County Surveyor Yuba County B. L. McCoy, County Surveyor Butte County," to the intersection of said center of the channel of Honcut Creek with the center line of the channel of Feather River; thence southerly along the center line of the channel of Feather River following the meanderings thereof as said channel was established by official government meander line surveys prior to 1870, of record in the Office of the United States Surveyor General for the State of California to the point of beginning.

CHAPTER 837

An act to amend Section 406 of the Education Code, relating to the salaries of county superintendents of schools.

In effect September 9, 1953

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 406 of the Education Code is amended to read:

Santa Clara County Superintendent of Schools Salary

406. The annual salary of the county superintendent of schools of a county of the sixth class is twelve thousand dollars ($12,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 838

An act to repeal Section 9561 of, and to add Sections 9505.3, 9533.5, 9533.6, 9541.2, and 9551.5 to, and to amend Sections 9501, 9502, 9506, 9540.7, 9580, and 9590 of, the Business and Professions Code, relating to the regulation of the dry cleaning industry.

In effect September 9, 1953

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 9561 of the Business and Professions Code is repealed.

SEC. 2. Section 9501 of said code is amended to read:

9501. "Cleaning" and "dry cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, spraying, vaporization, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile or inflammable product, applied either manually or by means of a mechanical appliance. Definitions

"Cleaning" and "dry cleaning" includes "wet cleaning," "spotting," "pressing" and "finishing" as herein defined, whenever, and to the extent, necessary to complete the dry cleaning process of the garment in accordance with standards set forth in Sections 9564 and 9566 of this chapter, and in all transactions in which the words "dry cleaning" and "cleaning" are used or implied, the same shall be deemed to include all such processes, unless such processes, or one or more of the same, are expressly excluded by agreement between the licensee and the customer or by advertising, solicitation, or offer using or implying the same.

When the garment is a fur, fur garment, or a garment to which fur is attached, "dry cleaning" also includes the use of sawdust or other similar solid materials mixed with noninflammable solvents, applied manually, with a mechanical device, or a fur-cleaning drum and glazing of fur and cleaning of lining. As used in this section, "spraying" does not include spraying during the process of spotting.

SEC. 3. Section 9502 of said code is amended to read:

9502. "Dyeing" means the process of coloring wearing apparel, feathers, furs, hats, fabrics, or textiles by the use of aniline dyes, mordants, or acid, with or without steam.

SEC. 4. Section 9505.3 is added to said code, to read:

9505.3. "Hat renovating shop" means any premises, business, building, room, shop, store, or establishment, equipped to perform in whole or in part the process of cleaning, blocking, and renovating hats.

SEC. 5. Section 9506 of said code is amended to read:

9506. "Private school or college of spotting, sponging, or pressing" means any establishment in which individuals are taught the operations or processes employed in the spotting, sponging, dry cleaning by local application, or pressing or other finishing of wearing apparel, feathers, furs, hats, fabrics, or textiles, whether gratuitously, for a charge or fee, or in exchange for services.

This section does not apply to instruction given by a licensed employer to an employee or apprentice or to a veteran, nor does it apply to any clinic or short course conducted by a local, state, or national association for the general information of its members.

SEC. 6. Section 9533.5 is added to said code, to read:

9533.5. For the purpose of enforcing this chapter, any member of the board or any employee of the board designated for that purpose may enter and inspect any clothes cleaning estab- Inspections

lishment, dyeing plant, cleaning and/or dyeing shop or store, spotting, sponging, or pressing establishment, dry cleaning agency, hat renovating establishment, fur renovating establishment, or school or college of cleaning and/or dyeing, spotting or pressing during customary business hours or at any time when such establishment, plant, shop, store, or agency is in operation. The owner, lessee, manager, or operator thereof shall permit the members of the board or their designated representatives to enter and make inspections at the time and for the purpose stated in this section.

SEC. 7. Section 9533.6 is added to said code, to read:

Injunctions

9533.6. The operation of any establishment, plant, shop, store, school, or agency in violation of this chapter may be enjoined by the superior court of any county upon petition by the board. Proceedings under this section shall be conducted in accordance with Chapter 3, Title 7, Part 2 of the Code of Civil Procedure, except that no undertaking shall be required of the board.

SEC. 8. Section 9540.7 of said code is amended to read:

Failure to appear for examinations

9540.7. Applicants failing to appear for examination after being duly notified by the board for three (3) consecutive examinations, shall be removed from the list of eligible applicants for examination and shall forfeit their examination fee, except that any person whose failure to appear for examination is due to service in any branch of the armed forces of the United States during a period of war as defined in Section 114.5 of this code shall, upon application made not later than one year from the date of discharge or return to inactive military service, and upon the filing of an affidavit showing the date of entrance into service, whether still in service, or the date of discharge or return to inactive status, be restored to the eligible list and permitted to take the examination without payment of further examination fee.

SEC. 9. Section 9541.2 is added to said code, to read:

Name of business

9541.2. No licensee shall conduct his licensed business or advertise or solicit business under a name other than a name which appears on his license.

SEC. 10. Section 9551.5 is added to said code, to read:

Requirements for certificate of registration

9551.5. Before a certificate of registration is granted, an applicant shall comply with all of the following:

(a) Be of good moral character. Lack of good moral character may be established by showing that any of the grounds specified in Section 9540 3 of this code are applicable to the applicant.

(b) Have been actively engaged in the dry cleaning industry or as a tailor in this or another state for a period of at least one (1) year at the time application is made. The board may in its discretion give credit as experience for the purpose of this subdivision to training in a school approved by the board.

(c) Demonstrate by examination that he possesses the knowledge and skills necessary to qualify him to engage in the particular activity for which the certificate is sought.

SEC. 11. Section 9580 of said code is amended to read:

9580. The amount of the fees prescribed by this chapter is that fixed by the following schedule: Fee schedule

(a) An application for examination is ten dollars ($10).

(b) The annual license fee for a dyeing plant or a wholesale or retail cleaning establishment or plant is fifty dollars ($50) but may be reduced by the board or the director to a sum not less than thirty dollars ($30).

(c) The annual license fee for each private school or college of spotting, sponging or pressing is two hundred fifty dollars ($250).

(d) The annual license fee for a "cleaning and dyeing shop or store," a "spotting, sponging, or pressing establishment," dry cleaning agency, hat renovator or fur renovator is eight dollars ($8), but may be reduced by the board or the director to an amount not less than five dollars ($5).

(e) The annual fee required of all operators and owner-operators for a certificate of registration is two dollars ($2).

(f) The fee for a duplicate license or certificate of registration is one dollar ($1).

SEC. 12. Section 9590 of said code is amended to read:

9590. Any violation of this chapter is a misdemeanor. The district attorney shall have concurrent jurisdiction in the prosecution of violations of this chapter. Penalty

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CHAPTER 839

An act to amend Section 26472 of the Health and Safety Code, relating to adulterated foods.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 26472 of the Health and Safety Code is amended to read:

26472. A food shall be deemed to be adulterated: Adulterated food

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of Confectionery

four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

Coal tar

(c) If it bears or contains a coal tar other than one from a batch which has been certified by the Federal Security Agency, Food and Drug Administration.

Mineral oil

(d) If any mineral oil has been added thereto or mixed or packed therewith.

Fresh meat

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoate of soda or any other chemical preservative, or any substance which is not approved by the United States Bureau of Animal Industry, or the United States Department of Agriculture, or the Bureau of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

Ground meat, etc

(f) If it be chopped or ground beef, or hamburger containing any substance other than the striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by ether extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

Permitted ingredients

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

Alimentary paste

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

Saccharine

(i) If it contains any saccharine or other non-nutritive sweetening agent.

CHAPTER 840

An act to amend Section 690.26 of the Code of Civil Procedure, relating to exemptions from attachment or execution proceedings.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 690.26 of the Code of Civil Procedure is amended to read:

Affidavit of exemption

690.26. (1) If the property mentioned in Sections 690.1 to 690.25, inclusive, shall be levied upon under writ of attachment or execution, the defendant or judgment debtor (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim, and also stating therein his address within this State for the purpose of permitting service by mail upon him of the counter-affidavit and any notice of the motion herein provided.

Release of earnings

(2) When an affidavit of exemption is filed in accord with Section 690.11, the debtor shall be entitled to an immediate release of one-half of his earnings earned within 30 days next preceding the date of levy.

Notice to creditor

(3) Forthwith upon receiving the affidavit of exemption the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either personally or by mail, a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counter-affidavit within five days after service of such writing.

Counter-affidavit by creditor

(4) If the creditor desires to contest the claim to exemption, he shall within such period of five days, file with the levying officer a counter-affidavit alleging that the property is not exempt within the meaning of the section or sections relied upon, or if the claim to exemption be based on Sections 690.1, 690.3, 690.6, 690.8, 690.9, 690.12, 690.17, 690.18, 690.21, 690.24, alleging that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof of service of a copy of such counter-affidavit upon the debtor.

Release of property

(5) If no such counter-affidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

Hearing

(6) If such counter-affidavit, with such proof of service, is so filed, either the creditor or the debtor shall be entitled to

a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the claim to exemption, or the value of the property claimed to be exempt. Such hearing must be granted by the court upon motion of either party made within five days after the counter-affidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing must give not less than five days' notice in writing of such hearing to the levying officer and to the other party and specify therein that the hearing is for the purpose of determining the claim to exemption. The notice may be of motion or of hearing and upon the filing of the notice with the clerk of court, the motion is deemed made.

Notice

Release of property

(7) If neither party makes such motion within the time allowed, the levying officer shall forthwith release the property to the debtor.

Sale of property pending proceedings

(8) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (a) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale; and (b) make such other orders as may be proper under the particular circumstances of the case. Any orders so made may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings are pending, at any time during the pendency of the proceedings, upon such terms as may be just.

Physical possession of property

(9) The levying officer in all cases shall retain physical possession of the property levied upon if it be capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect, pending the final determination of the claim to exemption; provided, however, that no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide.

Procedure at hearing

(10) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counter-affidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counter-affidavit and both shall be received in evidence. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where by the Constitution such right is given, but a jury trial shall be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counter-affidavit is offered, the court if satisfied that sufficient facts are shown thereby, may make its determination thereon; otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing

of other affidavits and counter-affidavits. At the conclusion of the hearing, the court shall give judgment determining whether the claim to exemption shall be allowed or not, which judgment shall be determinative as to the right of the creditor to have the property taken and held by the officer or to subject the property to payment or other satisfaction of his judgment. In such judgment the court shall make all proper orders for the disposition of such property or the proceeds thereof.

Judgment

(11) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer in order to permit such officer to either release the property attached or to continue to hold it or sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal from the judgment be waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final.

Service by mail

(12) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

Extension of time

(13) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

Appeal

(14) An appeal lies from any judgment under this section; such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

CHAPTER 841

An act to amend Section 1200 of the Probate Code, relating to notices, orders and procedures.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1200 of the Probate Code is amended to read:

Petitions

1200. Upon the filing of the following petitions:

(1) A petition under Section 641 or Section 642 of this code for the setting aside of an estate not exceeding two thousand five hundred dollars ($2,500) in value;

(2) A petition to set apart a homestead or exempt property;

(3) A petition relating to the family allowance filed after the return of the inventory;

(4) A petition for leave to settle or compromise a claim against a debtor of the decedent or a claim against the estate or a suit against the executor or administrator as such;

(5) A petition for the sale of stocks or bonds;

(6) A petition for confirmation of a sale;

(7) A petition for leave to enter into an agreement to sell or give an option to purchase a mining claim or real property worked as a mine;

(8) A petition for leave to execute a promissory note or mortgage or deed of trust or give other security;

(9) A petition for leave to lease or to exchange property, or to institute an action for the partition of property;

(10) A petition for an order authorizing or directing the investment of money;

(11) A report of appraisers concerning a homestead;

(12) An account of an executor or administrator or trustee;

(13) A petition for partial or ratable or preliminary or final distribution;

(14) A petition for the delivery of the estate of a nonresident;

(15) A petition for determination of heirship or interests in an estate;

(16) A petition of a trustee for instructions;

(17) A petition for the appointment of a trustee;

(18) Any petition for letters of administration, or for probate of will, or for letters of administration-with-will annexed, which is filed after letters of administration or letters testamentary have once been issued;

and in all cases in which notice is required and no other time or method is prescribed by law or by court or judge, the clerk shall set the same for hearing by the court and shall give notice of the petition or application or report or account by causing a notice of the time and place of hearing thereof to be posted at the courthouse of the county where the proceedings are pending, at least 10 days before the day of hearing, giving the name of the estate, the name of the petitioner and the nature of the application, referring to the petition for further particulars, and stating the time at which the application will be heard.

Hearings, etc

At least 10 days before the time set for the hearing of such petition, account or report, the petitioner or person filing the account or desiring the confirmation of a report of appraisers, must cause notice of the time and place of hearing thereof to be mailed to the executor or administrator, when he is not the petitioner, to any coexecutor or coadministrator not petitioning, and to all persons (or to their attorneys, if they have appeared by attorney), who have requested notice or who have given notice of appearance in the estate in person or by attorney, as heir, devisee, legatee or creditor, or as otherwise interested, addressed to them at their respective post-office addresses given in their requests for special notice, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such person.

Proof of the giving of notice must be made at the hearing; and if it appears to the satisfaction of the court that said notice has been regularly given, the court shall so find in its order, and such order, when it becomes final, shall be conclusive upon all persons. Proof of notice

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CHAPTER 842

An act to amend Section 28145 of the Government Code, relating to counties and county officers.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 28145 of the Government Code is amended to read:

28145. In a county of the forty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Plumas County Salaries

(a) The auditor, four thousand eight hundred dollars ($4,800) a year. Auditor

(b) The district attorney, six thousand six hundred dollars ($6,600) a year. District attorney

(c) Each supervisor, three thousand dollars ($3,000) a year and mileage from his residence to the county seat at each sitting of the board, twenty cents ($0.20) a mile, such compensation to be in full for services as supervisor. Supervisors

(d) Grand and trial jurors, five dollars ($5) per day and such mileage fees as are allowed by law. Jurors

The compensation provided by this section shall be payable to incumbent officers. Incumbents

SEC. 2. This act shall become operative on the first Monday following the first day of January, 1955. Operative date

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CHAPTER 843

An act to amend Sections 31641.5, 31681, 31785, 31786, and 31787 of, to add Section 31760.1 to, and repeal Section 31788 of the Government Code, relating to retirement for county employees.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 31641.5 of the Government Code is amended to read:

31641.5. A member who prior to his entrance into the retirement system held a position in the county service the tenure Credit for prior county service Election

of which was such as to exclude him from membership, shall have the right to receive credit in the retirement association for all or any part of the county service he rendered, whether interrupted or not, during the time he was in county service before becoming a member if, within one year after becoming a member or prior to October 1, 1954, whichever is later, he elects to pay, and thereafter pays, in accordance with such election, and prior to retirement, into the retirement fund an amount equal to the contributions he would have made to the retirement fund if he had been a member during the time for which he has elected to receive credit, computed by applying the contribution rate first applicable to him upon becoming a member to the aggregate compensation he actually received during the time he was in county service and for which he has elected to receive credit, together with interest at the current rate on that amount from the time he became a member until completion of payment. Such payment may be made by lump sum or by installment payments over a period not to exceed the length of time for which the member has elected to receive credit, in such manner and at such times as the board may by rule prescribe. No member shall receive credit under this section for any service for which he has not completed payment pursuant to this section before the effective date of his retirement. A member who has elected to make such payment in installments may complete payment thereof by lump sum at any time prior to the effective date of his retirement. Any sums paid by a member pursuant to this section shall be considered to be and administered as normal contributions by the member.

Where county service prior to membership was rendered on a part-time basis, the member may receive credit for such proportion of the time he held the part-time position as the time he was actually engaged in the performance of the duties of such position bears to the time required to perform the same duties in a full-time position.

A member who elects to receive credit for only a part of such county service shall elect that county service latest in time and may not receive credit for any portion of such county service prior in time to any county service for which he does not elect to receive credit.

SEC. 2. Section 31681 of the Government Code is amended to read:

Minimum retirement allowance in counties with population over 2,000,000

31681. In every county having a population in excess of 2,000,000, the minimum retirement allowance for every member who has heretofore or who shall be hereafter retired at compulsory retirement age and who is credited with 15 or more years of service, including prior service, or at age 65 with 20 years of service, shall receive a total retirement allowance of not less than one thousand two hundred dollars ($1,200) per year, exclusive of any annuity based on additional contributions. This section shall be retroactively operative as of September 22, 1951.

SEC. 3. Section 31760.1 is added to the Government Code, to read:

31760.1. Upon the death of any member, after retirement for service or disability from a retirement system established in a county subject to the provisions of Section 31676.1, 60 percent of his retirement allowance, if not modified in accordance with one of the optional settlements specified in this article, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, 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 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the member at least one year prior to the date of his retirement.

Death of member Survival of benefits

SEC. 4. Section 31785 of the Government Code is amended to read:

31785. Upon the death of any safety member, after retirement for service or non-service-connected disability from a retirement system established in a county subject to the provisions of Section 31676.1, 60 percent of his retirement allowance if not modified in accordance with one of the optional settlements specified in Article 11, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased safety member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, 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 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the safety member at least one year prior to the date of his retirement.

Death of safety member· Survival of benefits

Any qualified surviving spouse or children of a member of a pension system established pursuant to either Chapter 4 or Chapter 5, who shall have been retired on or before December 31, 1951, shall be paid a retirement allowance pursuant to the provisions of this section. In cases where the death of a member occurred prior to January 1, 1952, the payment of the retirement allowance to the qualified surviving spouse, or children shall be made effective on January 1, 1952.

SEC. 5. Section 31786 of the Government Code is amended to read:

31786. Upon the death of a safety member after retirement for service-connected disability, his retirement allowance as it was at his death, shall be continued throughout life to his sur-

viving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased safety member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, 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 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the safety member prior to the date of his retirement.

SEC. 6. Section 31787 of the Government Code is amended to read:

"Special death benefit"

31787. In addition to the death benefit provided for in Section 31781, if such member was a safety member survived by a spouse, whether designated as beneficiary or not, or unmarried child under the age of 18 years, and such death was the result of injury or disease arising out of and in the course of his employment there shall be added an amount sufficient when added to the amount of the death benefit under Section 31781 to provide when applied according to the tables adopted by the board, a monthly death allowance, equal to one-half of his final compensation, payable to the surviving spouse, to whom she or he was married prior to sustaining the injury or disease resulting in death, until she or he dies; or, if there is no qualified surviving spouse, or, if the surviving spouse dies before all children of the deceased safety member attain age 18, to his children under age 18 collectively until every child dies, marries or attains age 18.

The death benefit provided for by this section shall be known as "the special death benefit" and shall be in lieu of all other death benefits.

Repeal

SEC. 7. Section 31788 of the Government Code is repealed.

CHAPTER 844

An act to amend Sections 31663.2, 31664, 31672, 31676.1, and 31765 of the Government Code, relating to retirement for county employees.

In effect September 9, 1953

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 31663.2 of the Government Code is amended to read:

Retirement of safety member

31663.2. Any safety member who has reached the compulsory age of retirement or any safety member who has completed 10 years of continuous service and who has reached the age of 55, or any member who has completed 30 years of service

regardless of age, may be retired upon filing with the board a written application, setting forth the date upon which he desires his retirement to become effective which shall be not more than 60 days after the date of filing the application.

SEC. 2. Section 31664 of the Government Code is amended to read:

31664. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for safety members purchased by the contributions of the county or district sufficient when added to the service retirement annuity to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter year in the following table, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the limitation of the safety member's final compensation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read: Additional pension

Age at retirement	Fraction	Age at retirement	Fraction
50	.7805	55¼	1.0130
50¼	.7910	55½	1.0259
50½	.8016	55¾	1.0387
50¾	.8021	56	1.0516
51	.8226	56¼	1.0656
51¼	.8339	56½	1.0796
51½	.8452	56¾	1.0937
51¾	.8565	57	1.1078
52	.8678	57¼	1.1231
52¼	.8780	57½	1.1384
52½	.8882	57¾	1.1538
52¾	.8983	58	1.1692
53	.9085	58¼	1.1859
53¼	.9194	58½	1.2028
53½	.9304	58¾	1.2195
53¾	.9413	59	1.2336
54	.9522	59¼	1.2547
54¼	.9641	59½	1.2730
54½	.9761	59¾	1.2915
54¾	.9880	60 and over	1.3099
55	1.0000		

The fraction herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board.

Contributions shall not be made by safety members having credit for 30 years of continuous service.

SEC. 3. Section 31672 of the Government Code is amended to read:

Voluntary retirement

31672. Any member who has reached the age of 70 years or any member who has completed 10 years of continuous service and who has reached the age of 55, or any member who has completed 30 years of service regardless of age, may be retired upon filing with the board a written application, setting forth the date upon which he desires his retirement to become effective which shall be not more than 60 days after the date of filing the application.

SEC. 4. Section 31676.1 of the Government Code is amended to read:

Application of section

31676.1. This section shall apply in any county having a population in excess of 295,000 as of the ninety-first day following the adjournment of the 1953 Regular Session of the Legislature. This section may be made applicable in any county thereafter acquiring a population in excess of 295,000 on the first day of the month after the board of supervisors of such county adopts, by a majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed sixty-five percent (65%) of the member's final compensation.

Additional pension

Age of retirement	Fraction Men	Fraction Women
50	.6852	.7091
50¼	.6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	.7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	.7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656

Age of retirement	Fraction Men	Fraction Women	
54½	.8570	.8755	
54¾	.8674	.8855	
55	.8779	.8954	
55¼	.8893	.9061	
55½	.9006	.9168	
55¾	.9119	.9275	
56	.9232	.9382	
56¼	.9355	.9498	
56½	.9478	.9614	
56¾	.9602	.9730	
57	.9725	.9846	
57¼	.9860	.9972	
57½	.9994	1.0098	Same
57¾	1.0129	1.0224	
58	1.0264	1.0350	
58¼	1.0411	1.0487	
58½	1.0559	1.0625	
58¾	1.0706	1.0762	
59	1.0853	1.0899	
59¼	1.1015	1.1049	
59½	1.1176	1.1199	
59¾	1.1338	1.1349	
60	1.1500	1.1500	
60¼	1.1610	1.1611	
60½	1.1721	1.1723	
60¾	1.1832	1.1835	
61	1.1943	1.1947	
61¼	1.2091	1.2097	
61½	1.2239	1.2247	
61¾	1.2387	1.2398	
62	1.2535	1.2548	
62¼	1.2691	1.2707	
62½	1.2848	1.2867	
62¾	1.3004	1 3026	
63	1.3160	1.3186	
63¼	1.3326	1.3355	
63½	1.3491	1.3525	
63¾	1.3657	1.3695	
64	1 3822	1.3865	
64¼	1.3998	1.4047	
64½	1.4173	1.4229	
64¾	1.4349	1.4411	
65 and over	1.4525	1.4593	

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system. Contributions shall not be made by members having credit for 30 years of continuous service.

In any county operating under this section any limitation in Section 31583 or 31624 or in any other provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

SEC. 5. Section 31765 of the Government Code is amended to read:

Election by surviving spouse

31765. Upon the death of a member who was eligible to retire, in circumstances in which a death benefit is payable under Article 12, if the deceased member has designated as beneficiary his spouse who survives him by not less than 30 days, such surviving spouse may elect, at any time before acceptance of any benefits from the retirement system, to receive, in lieu of the death benefit otherwise payable under Article 12, the same retirement allowance as that to which such spouse would have been entitled had such member retired on the day of his death and selected Optional Settlement 3. Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculation of the annuity of the surviving spouse.

CHAPTER 845

An act to add Section 20493 to the Government Code, relating to the State Employees' Retirement System.

In effect September 9, 1953

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 20493 is added to the Government Code, to read:

School district contracts: Amendments

20493. Any contract heretofore made with any school district may be amended to provide that all amendments to the Retirement Law whether effective prior or subsequent to the effective date of such contract shall become part of, and operate as amendments to, such contract, and that the parties to such contract shall be subject to such amended legislation without further action by the board or by the contracting agency; provided, however, that if any such amending legislation shall operate to increase the contributions required of, or decrease the benefits to, the employees, or any thereof, affected by such contract, such legislation shall not affect the rights or liabilities of employees so affected unless an election has been held and the amended contract hereby authorized approved by such affected employees, in the manner provided by Section 20457.

CHAPTER 846

An act to add Chapter 3.5 to Title 6 of the Government Code, relating to notice of the formation or change in boundaries of districts.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 is added to Title 6 of the Government Code, to read:

CHAPTER 3.5. NOTICE OF FORMATION OR CHANGE IN BOUNDARIES OF DISTRICTS

Purpose

58900. It is the purpose of this chapter to require that notice of a proposal be given to all owners of the real property described therein prior to the time the proposal is acted upon by the supervising authority.

Definitions

58901. As used in this chapter, unless the context otherwise requires:

(a) "Proposal" means any proposal for the formation of a new, or change in the boundaries of an existing, district.

(b) "Supervising authority" means the board of supervisors, city council or the governing body authorized by law to act upon proceedings for the formation of a new, or change in boundaries of an existing, district.

(c) "District" means any tax, assessment or any other district except as otherwise provided in Section 58902.

(d) "Clerk" means the clerk or secretary of the supervising authority.

(e) "Principal act" means the law providing for the creation or change in boundaries of a district.

Application of chapter

58902. Except as herein otherwise provided, this chapter shall apply to all districts. This chapter shall not apply to any proceeding where an election is held to determine whether a district shall be formed or its boundaries changed, nor to any boundary change which is approved by all of the owners of real property proposed to be included within, or proposed to be excluded from, the district, nor to any proceeding commenced or conducted with respect to forming a metropolitan water district or separation of grade district or changing the boundaries thereof.

Notice of proposal

58903. Upon the filing or other submission of any proposal, the supervising authority shall give notice thereof as required by this chapter.

Contents

58904. The notice of filing or other submission of the proposal shall contain at least the following:

(a) The nature of the proposal.

(b) A general description or map of the territory included in the proposal.

(c) The time and place of the first public hearing on the proposal if a public hearing is required by other provisions of law to be held upon the proposal, or the time and place upon which the supervising authority will take initial action upon the proposal.

Requests for notice of proposals

58905. Every owner of real property, including property assessed by the State under Section 14, Article XIII of the Constitution, is hereby authorized to file a statement each fiscal year with the county assessor, showing his name, address, and a description of the property owned by him, together with a request that a notice of all proposals affecting such property shall be mailed to him at such address. The fee for filing a statement and request is one dollar and fifty cents ($1.50). The property owner shall furnish a copy of the statement and request to the clerk of any supervising authority having a request for same on file with the county assessor, and this chapter shall be ineffective with respect to the actions of that supervising authority unless its clerk shall have received a copy of the statement and request.

Fees

Notice required

58906. If the principal act requires notice to be mailed by first-class mail to all owners of property described in the proposal, including the owners of state assessed property, notice shall be mailed in the form and manner, and at the time, required by such act. If the principal act does not require such notice, the clerk shall cause a notice of the filing or other submission of the proposal to be mailed by post card or first class mail, postage prepaid, to every owner of real property described in the proposal who has filed the statement authorized by the preceding section, at the address shown on such statement, at least 10 days prior to the first hearing or initial action on the proposal. The clerk of the supervising authority may, upon completion of the mailing of such notices, file an affidavit with the supervising authority stating that notices have been mailed to all property owners entitled thereto under the provisions of this chapter. The affidavit of the clerk shall be conclusive evidence as to the mailing or nonmailing of any notice. Mailing of notice to all property owners who have filed a request therefor with the county assessor, as authorized by Section 58905, shall be deemed sufficient compliance with this chapter for all purposes.

Invalidity for omission of notice

58907. No proceeding shall be held invalid for omission of the clerk of the supervising body to mail the notice required by this chapter to any property owner unless such owner objects to such omission within 30 days after the public hearing or initial action with reference to which such notice was omitted. No objection shall be considered unless it is made in writing, signed, under oath by such owner or his duly authorized representative, and filed with the clerk of the supervising authority. Upon the expiration of said 30 days, the clerk may file an affidavit stating whether or not any property owner entitled to a mailed notice under this chapter who has not been mailed such notice, has filed the objection herein authorized. The affidavit of the clerk shall be conclusive evidence as to

Objections

the filing or nonfiling of objections within the period of 30 days as above required. If a valid objection is filed within the time allowed, the supervising authority shall conduct another hearing or reconsider its initial action on the proposal, after complying with the notice provisions of this chapter and the principal act under which the proposal was initiated. The time allowed by such principal act for the taking of any proceedings subsequent to the initial action or hearing shall be extended for such additional time as may be required to comply with this chapter.

58908. The provisions of this chapter shall not be superseded or modified by any subsequent legislation except to the extent that such legislation shall do so expressly.

CHAPTER 847

An act to add Section 142.5 to the Vehicle Code, relating to vehicles exempt from registration.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 142.5 is added to the Vehicle Code, to read:

142.5. Exemption From Registration. The registration provisions of this chapter shall not apply to trailers used exclusively to haul implements of husbandry when used by the farmer owner of said trailer to haul his own implements of husbandry when moving the same, not to exceed 25 miles from the point of origin.

Exemption from registration

CHAPTER 848

An act to amend Sections 476 and 563 of, and to add Section 476.1 to, the Vehicle Code, relating to pedestrian traffic signals.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 476 of the Vehicle Code is amended to read:

476. Official Traffic Signals. Whenever traffic is controlled by official traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively, one at a time, or with arrows, the following colors

Traffic signals

only shall be used, and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green alone or "Go."

1. Vehicular traffic facing the signal shall proceed straight through or may turn right or left or make a semicircular or U turn unless a sign at such place prohibits any such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow or "Caution" when shown following the green or "Go" signals.

1. Vehicular traffic facing the signal is thereby warned that the red or stop signal will be exhibited immediately thereafter and vehicular traffic shall not enter the intersection when the red or stop signal is exhibited.

2. No pedestrian shall enter the roadway or cross any part of a roadway or from or to a safety zone against a yellow or "Caution" signal.

(c) Red alone or "Stop."

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone, except as provided in the next succeeding paragraph.

2. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or "Stop" signal, may make a right turn but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that local authorities may by ordinance prohibit any such right turn against a red or "Stop" signal at any intersection within a central traffic district as defined by ordinance, or within any business district or at any intersection outside of a central traffic district or business district when a sign is erected at such intersection prohibiting any such right turn against a red or "Stop" signal.

3. No pedestrian shall enter the roadway or cross any part of the roadway or proceed from or to a safety zone against a red or "Stop" signal.

(d) Red With Green Arrow. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(e) The motorman of any street car shall obey all official traffic signals as applicable to vehicles except that the motorman of a street car shall not make a right or left turn when facing a red alone or stop signal.

(f) No person shall disobey the directions of this section except when it is necessary for the purpose of avoiding a collision or in case of other emergency or when otherwise directed by a police or traffic officer, or as permitted under Section 454.

(g) The above provisions in reference to pedestrians shall be inapplicable in the event pedestrian control signals are in operation as provided in Section 476.1.

SEC. 2. Section 476.1 is added to said code, to read:

476.1. Pedestrian Control Signals. Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows: Pedestrian control signals

(a) Walk. A pedestrian facing such signal may proceed across the roadway in the direction of the signal and drivers of vehicles shall yield the right of way to such pedestrian.

(b) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk, safety zone or island while the "Wait" or "Don't Walk" signal is showing.

SEC. 3. Section 563 of said code is amended to read:

563. Pedestrians Between Controlled Intersections. Between adjacent intersections controlled by traffic control signal devices or by police officers pedestrians shall not cross the roadway at any place except in a crosswalk. Crosswalks

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CHAPTER 849

An act to authorize the Director of Finance to grant to San Joaquin County rights of way for road purposes over the farm property of the Stockton State Hospital.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding Section 6503, Welfare and Institutions Code, the Director of Finance, with the consent of the Department of Mental Hygiene, may grant to the County of San Joaquin rights of way for road purposes over and across state property comprising the site of the farm property of the Stockton State Hospital, upon such terms and conditions as the Director of Finance may deem to be for the best interests of the State. A copy of each right of way executed and delivered by the Director of Finance shall be delivered to the State Lands Commission. Authority to grant rights of way

CHAPTER 850

An act to amend Section 2137.1 and to repeal Sections 2175, 2175.1, and 2176 of the Business and Professions Code, relating to persons authorized to practice medicine and surgery in state institutions.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2137.1 of the Business and Professions Code is hereby amended to read:

Medical staffs of state institutions: Appointment of licensed physicians from other states

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1955, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this State except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first so employed. The provisions of this section shall terminate on October 1, 1955.

Termination date

Repeals

SEC. 2. Sections 2175, 2175.1 and 2176 of the Business and Professions Code are hereby repealed.

CHAPTER 851

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 September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 28122 of the Government Code is amended to read:

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: Marin County salaries

(a) The auditor, eight thousand five hundred dollars ($8,500) a year. Auditor

(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. District attorney

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 fifty dollars ($250) 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. Supervisors

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. Jurors

The compensation provided for by this section shall be payable to incumbent officers.

CHAPTER 852

An act to add Sections 31031 and 31032 to the Water Code, relating to county water districts and to the Coachella Valley County Water District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 31031 is added to the Water Code, to read:

31031. The Coachella Valley County Water District may fix, on or before the first day of July in each calendar year, a water stand-by or availability charge of not to exceed five dollars ($5) per acre per year for each acre of land within the district to which water is made available for irrigation purposes by the district, whether the water is actually used or not. Water stand-by charge

SEC. 2. Section 31032 is added to said code, to read:

31032. In case any water stand-by charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required for county purposes, the amount of the unpaid stand-by charge shall be added to and become part of the annual tax levied upon Unpaid charges as liens, etc

the land to which water for which the stand-by charge is unpaid was available and same shall constitute a lien on that land, and shall be added to and become a part of the first installment of said tax.

Notice to auditor and supervisors

In such case and at least fifteen (15) days before the first day of the month in which said board of supervisors is required by law to levy the amount of taxes required for county purposes, the board of directors of the district shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the district upon which a stand-by charge remains unpaid, together with the amount of said unpaid charge on each said parcel of land.

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 inhabitants of the Coachella Valley County Water District, and those in certain other parts of that region of the State, are in dire need of obtaining an adequate supply of water for agricultural irrigation purposes. This region is unique in that it is able to supply itself with but a small part of the water which it uses, and the only source of water available to that area is the Colorado River through expensive diversions and transmission construction works, and arrangements for obtaining said water by said inhabitants are dependent upon the repayment to the United States of certain construction costs by the land benefited by the availability of water through said works; this cannot be brought about equitably and effectively unless and until the amendment to Division 12 of the Water Code provided by the within and foregoing amendatory act shall have become effective. It is therefore necessary that this act take effect immediately.

CHAPTER 853

An act to amend Section 5 of Chapter 1307 of the Statutes of 1947, and to amend Section 8813 of the Public Resources Code, relating to the California Coordinate System.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of Chapter 1307 of the Statutes of 1947 is amended to read:

California Coordinate System Zones

Sec. 5. (a) For the purpose of more precisely defining the California Coordinate System, the following definition is adopted:

The California Coordinate System, Zone 1, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 40 degrees 00 minutes and 41 degrees 40 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 122 degrees 00 minutes west longitude with the parallel 39 degrees 20 minutes north latitude, such point of control being given the coordinates: x (east)=2,000,000 feet and y (north)=0 feet.

The California Coordinate System, Zone 2, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 38 degrees 20 minutes and 39 degrees 50 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 122 degrees 00 minutes west longitude with the parallel 37 degrees 40 minutes north latitude, such point of control being given the coordinates: x (east)=2,000,000 feet and y (north)=0 feet.

The California Coordinate System, Zone 3, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 37 degrees 04 minutes and 38 degrees 26 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 120 degrees 30 minutes west longitude with the parallel 36 degrees 30 minutes north latitude, such point of control being given the coordinates: x (east)=2,000,000 feet and y (north)=0 feet.

The California Coordinate System, Zone 4, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 36 degrees 00 minutes and 37 degrees 15 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 119 degrees 00 minutes west longitude with the parallel 35 degrees 20 minutes north latitude, such point of control being given the coordinates: x (east)=2,000,000 feet and y (north)=0 feet.

The California Coordinate System, Zone 5, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 34 degrees 02 minutes and 35 degrees 28 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 118 degrees 00 minutes west longitude with the parallel 33 degrees 30 minutes north latitude, such point of control being given the coordinates: x (east)=2,000,000 feet and y (north)=0 feet.

The California Coordinate System, Zone 6, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 32 degrees 47 minutes and 33 degrees 53 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 116 degrees 15 minutes west longitude with the parallel 32 degrees 10 minutes north latitude, such point of control being

given the coordinates: x (east) = 2,000,000 feet and y (north) = 0 feet.

The California Coordinate System, Zone 7, is a Lambert conformal projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 33 degrees 52 minutes and 34 degrees 25 minutes, along which parallels the scale shall be exact. The point of control of coordinates is at the intersection of the meridian 118 degrees 20 minutes west longitude with the parallel 34 degrees 08 minutes north latitude, such point of control being given the coordinates: x (east) = 4,186,692.58 feet and y (north) = 4,160,926.74 feet.

Marking of position

(b) The position of the California Coordinate System shall be as marked on the ground by triangulation or traverse stations whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, and whose coordinates have been computed on the system herein defined. Any survey or map purported to be based on the California Coordinate System shall have established connections to at least two of such stations; provided, however, that wherever any instrument (or conveyance) affecting the title to real property contains a reference to a point or line established in accordance with the California Coordinate System of Surveying and also reference to a point or line established with reference to data appearing of record in the county recorder's office, in a manner which will cause a conflict in position, the reference to the point or line established with reference to recorded data shall be controlling.

SEC. 2. Section 8813 of the Public Resources Code is amended to read:

8813. The position of the California Coordinate System shall be as marked on the ground by triangulation or traverse stations whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, and whose coordinates have been computed on the system defined. Any survey or map purported to be based on the California Coordinate System shall have established connections to at least two of such stations.

Effect. Stats 1953, Ch 108

SEC. 3. Section 2 of this act becomes operative only if Division 8 of the Public Resources Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Division 8 takes effect, at which time Section 5 of Chapter 1307 of the Statutes of 1947, as amended by this act, is repealed.

CHAPTER 854

An act to add Section 194.5 to the Streets and Highways Code, and to add Section 11005.5 to the Revenue and Taxation Code, relating to the allocation of funds to inactive cities.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 194.5 is added to the Streets and Highways Code, to read:

194.5. The allocations and expenditures provided under Section 194 shall not be made within any incorporated city which has not held an election of municipal officers within a period of 10 years preceding the date of such allocation. Allocations heretofore accumulated for expenditure within any such city shall be reallocated and expended within all other cities and cities and counties in the manner provided by Section 194.

Reallocations and expenditures

SEC. 2. Section 11005.5 is added to the Revenue and Taxation Code, to read:

11005.5. The payments provided under Section 11005 shall not be made to any incorporated city which has not held an election of municipal officers within a period of 10 years preceding the date of such payment. Payments heretofore accumulated on behalf of any such city shall be apportioned to all other cities in the manner provided by Section 11005.

SEC. 3. Any funds allocated or accumulated pursuant to the provisions of Section 203 of the Streets and Highways Code, prior to the repeal thereof by Chapter 11, Statutes of 1947, First Extraordinary Session, for expenditure on state highways within the inactive cities described in Section 1 of this act, shall revert to and be expended upon state highways in the county groups within which any such inactive city was located.

Reallocation of highway funds

CHAPTER 855

An act to amend Sections 1596.1 and 2421 of and to add Section 2421.5 to the Education Code, relating to school districts, and declaring the urgency thereof.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 1596.1 of the Education Code is amended to read:

1596.1. The governing board of a school district may acquire a site for a school building contiguous to the boundaries of the district and upon the acquisition of such site it shall become

Acquisition of school building site in contiguous territory

a part of the district. No proceedings affecting school district boundaries, including annexation proceedings of any nature whatsoever, shall operate to exclude a school site from the school district owning the same if after such proceedings are complete the school site remains contiguous to the boundaries of the district. The school site remains contiguous for the purpose of this section although separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right of way. Notwithstanding such proceedings the site shall continue to be a part of the district owning or occupying the same, and the buildings and improvements thereon shall remain the property of such district.

SEC. 2. Section 2421 of said code is amended to read:

City as school district

2421. Except as provided in Section 2421.5 every city, except cities of the sixth class, unless otherwise prescribed in its original city charter, constitutes a separate school district, which shall be governed by the board of education or board of school trustees of the city. If the consent of the governing board of the district is first obtained, territory within the exterior boundaries of a city may be withdrawn from the school district of that city and annexed to an adjoining school district in the manner provided elsewhere in this code for the change of school district boundaries.

SEC. 3. Section 2421.5 is added to said code, to read:

Territory annexed to city not part of school district

2421.5. Territory annexed to a city shall not become part of any elementary, high school, junior college, or any other school district within said city as provided in Section 2421 unless proceedings are had and completed for the annexation or inclusion of such territory to the school district in the manner provided elsewhere in this code, or unless the resolution required by Section 35117 of the Government Code in the case of proceedings for the annexation of inhabited territory, or the resolution required by Section 35306 of the Government Code in proceedings for the annexation of uninhabited territory contains a statement that the annexed territory shall become part of the school district of the city.

Application of section

The provisions of this section apply to territory proposed to be annexed to a city in which territory is situated any school district or part of any school district.

The provisions of this section apply to any proceedings to annex territory to a city which have not been completed on or before the effective date of this section, except proceedings in which the resolution provided for in Section 35117 of the Government Code has been adopted, or in which the city legislative body or the board of supervisors has approved the annexation by ordinance, or resolution, as the case may be, for other city annexation proceedings.

Termination date

The provisions of this section shall remain in effect until the ninety-first day after the final adjournment of the 1955 General Session of the Legislature except that any territory which was annexed to a city during the effective period of this section but was not included in the school district of the city by reason

of the provisions of this section shall not be included in the school district of such city unless proceedings are had and completed for the annexation or inclusion of such territory to the school district in the manner provided elsewhere in this code.

This section shall not apply to sixth-class cities or to cities which have provided in their original charter that they shall not constitute a separate school district. Exception

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: Urgency

The extremely rapid urban growth in many parts of California has resulted both in numerous city annexations and the expansion of school facilities in unincorporated areas, creating an irreconcilable conflict of desirable public interests and a block to the path of urban progress and growth of schools to meet the immediate needs of the children of the State of California. In order to prevent the serious impairment of the financial resources of school districts in several parts of the State it is necessary that this act take effect immediately.

CHAPTER 856

An act to amend Sections 3, 6, 10 and 13¾ of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) and to add Section 16⅝ to that act, relating to the powers and duties of the Los Angeles County Flood Control District.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the Los Angeles County Flood Control Act is amended to read:

Sec. 3. The board of supervisors of Los Angeles County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Los Angeles County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Board of supervisors' Ex officio district board

The county counsel, county clerk, county assessor, county tax collector, county auditor and county treasurer of the County of Los Angeles, and their successors in office, and all other officers of said Los Angeles County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Los Angeles County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the County officers Ex officio district officers

same various duties for said district as for said Los Angeles County without additional compensation in order to carry out the provisions of this act.

Adoption of rules, etc.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors 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 of Los Angeles.

SEC. 1.5. Section 6 of the Los Angeles County Flood Control Act is amended to read:

Special bond election

Sec. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay 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 report.

Ordinance

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall not be less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on such indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed 6 per centum per annum.

Election precincts

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the 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 shall appoint election boards, the composition of which shall correspond with the boards appointed in general elections in Los Angeles County. Any election called pursuant to this section may be consolidated with any other election, pursuant to the provisions of Chapter 4, of Part 2, of Division 11 of the Elections Code if the ordinance calling the election authorizes the consolidation. If the election called pursuant to this section is consolidated with any election, the notice thereof need not set forth the precincts, place, or places of holding the election, or the names of the officers appointed to conduct the election, but may instead state that the precincts, place, or places of holding the election, and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution, or notice calling, providing for, or

Consolidation of elections

giving notice of such other election and except where consolidation is with a state primary or a state general election, reference shall be made to such ordinance, resolution or notice, by number and title, or date of adoption, or by date or proposed date of publication and the name of the newspaper in which the publication has been or will be made, or by any other definite description.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State. State election laws

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least 30 days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same. Report to electors

Said ordinance calling such election shall, prior to the date set for such election, be published 10 times in a daily, or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given. Publication of ordinance

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. Bond validity

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. Bond issue

SEC. 2. Section 10 of the Los Angeles County Flood Control Act is amended to read:

Sec. 10. The board of supervisors shall levy a tax each year upon the taxable real property in such district sufficient to pay the interest on said bonds as it becomes due, and such portion of the principal thereof as is to become due before the proceeds from the next general tax levy are available. Such tax shall be levied and collected on said real property at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury of said Los Angeles County to the credit of said district fund, and will be available and shall 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 county treasurer of said Los Angeles County in the manner provided by law for the payment of principal and interest on bonds of said county. Annual tax

SEC. 2.5. Section 13¾ of the Los Angeles County Flood Control Act is amended to read:

Sec. 13¾. The board of supervisors of the Los Angeles County Flood Control District shall have power to accept on behalf of said district a transfer and conveyance of storm drain improvements and drainage systems lying within the territorial limits of said district and which have been constructed prior to Transfer of systems and improvements

July 1, 1953, whenever the governing body of any public agency owning or exercising jurisdiction over such storm drain and drainage improvements, by resolution describing them, requests the said Los Angeles County Flood Control District to accept the same or when the owner of such storm drain improvement or drainage system tenders a conveyance thereof. Upon such acceptance, the board of supervisors of said district shall thereupon assume sole control and jurisdiction over such storm drain and drainage systems and shall thereafter provide for the operation, maintenance, repair and improvement thereof, except that such flood control district shall not assume or be liable for any bonded indebtedness that may be against the said storm drain or drainage systems. Any city or county within whose limits any storm drain or drainage system has been constructed, and which storm drain or drainage system also lies within the territorial limits of said Los Angeles County Flood Control District, may, by a four-fifths vote of the legislative body of such city or county, transfer and convey to said flood control district any such storm drain or drainage systems for future operation, maintenance, repair and improvement, and upon acceptance of any storm drain improvement under this section the board of supervisors of said flood control district shall have power, and it shall be its duty, to levy a special tax each year upon the taxable real property in said district sufficient to pay the cost and expenses of operating, maintaining, repairing and improving such storm drain and drainage systems so transferred and accepted, excepting only the payment of interest and principal on any outstanding bonds for which the said district shall not be liable. Said tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said flood control district and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to the taxes authorized to be levied under Section 14 of this act but may be levied with the taxes authorized under Section 13½ of this act.

SEC. 3. Section 16⅝ is added to the Los Angeles County Flood Control Act, to read:

Acquisition of excess land

Sec. 16⅝. Whenever a part only of a larger parcel of land is required by the district for the control or conservation of flood, storm, or other waste waters, and the taking thereof, and the construction of the proposed public improvement thereon will interfere with reasonable access to the remainder, or will otherwise cause substantial damage to the remainder, the district may condemn, purchase, or otherwise acquire the whole parcel of land of which the area required for public use is a part. Or, in lieu of such acquisition, the district may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the said remainder for use by the public, including the owner of the land.

CHAPTER 857

An act to amend Section 12202 of the Education Code, relating to county certificates.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 12202 of the Education Code is amended to read:

Student teacher certificates

12202. A preliminary certificate shall be issued to the holder of a recommendation from a state college, the University of California, or any private university or college accredited by the State Board of Education to train teachers. The certificate shall specifically authorize the holder to do student teaching without salary from district funds, and no student teaching may be performed without such a certificate. The holder shall be deemed a certificated employee of the district with respect to acts performed by him at the direction, suggestion, or consent of the certificated employees under whose supervision and control the holder performs his duties whether or not such duties are performed entirely in the presence of the employees of the district assigned to supervise the holder.

CHAPTER 858

An act to add Chapter 2.2 to Part 2 of Division 2 of Title 3 of the Government Code, relating to county service areas, providing for the establishment thereof, authorizing the furnishing of extended governmental services within such areas and the levy of taxes upon the property within such areas to finance such services.

[Approved by Governor May 23, 1953 Filed with Secretary of State May 23, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.2 is added to Part 2 of Division 2 of Title 3 of the Government Code, to read:

CHAPTER 2.2. COUNTY SERVICE AREAS

Article 1. General Provisions

Legislative findings

25210.1. The Legislature hereby finds and declares that unprecedented growth in the unincorporated areas of a great many counties of California, particularly since 1940, has created many new and difficult problems of government. As a result of large population growth and intensive residential, commercial

and industrial development in such areas, extended governmental services are needed in such areas.

The Legislature recognizes the duty of counties as instrumentalities of State Government to adequately meet the needs of such areas for extended governmental services and also recognizes that such areas should pay for the extended services which are provided.

The residents and property owners of such areas are entitled to have made available to them reasonable alternative methods of providing or securing the extended services they require and to choose among the alternatives a method best suited to their local circumstances.

Purpose

It is the purpose of this chapter to provide an additional alternative method for the furnishing of extended governmental services within such areas adequate to meet the needs of such areas and to provide for the levy of taxes within such areas in an amount sufficient to pay for extended services provided or additional extended services to be provided.

Short title

25210.2. This chapter shall be known and may be cited as the "County Service Area Law."

Scope of chapter

25210.3. This chapter provides an alternative method for providing governmental services by counties within unincorporated areas and the provisions of this chapter shall not affect or limit any other provisions of law authorizing or providing for the furnishing of governmental services within such areas.

When any proceedings are commenced under this chapter, for the establishment of a county service area or for providing additional types of services within an established county service area, the provisions of this chapter and no other shall apply to such proceedings. The provisions of Chapter 8 of Part 1, Division 2, Title 5 of the Government Code shall apply to all such proceedings and the term "district" as used in said Chapter 8 shall be deemed to include a county service area for the purposes of said chapter only.

Authorized services

25210.4. A county service area may be established under this chapter to provide any one or more of the following types of extended service within such area:

(a) Extended police protection.

(b) Structural fire protection.

(c) Local park, recreation or parkway facilities and services.

(d) Any other governmental services, hereinafter referred to as miscellaneous extended services, which the county is authorized by law to perform and which the county does not also perform on a county-wide basis both within and without cities, if:

(1) The board of supervisors determines that such services should be provided on an extended basis within a county service area; or

(2) Such services are specified in a request or a petition for the initiation of proceedings for the formation of a county service area or in a request or a petition for the initiation of

proceedings for the furnishing of additional types of services within a county service area.

At the time of the adoption of the resolution of intention to establish a county service area the board of supervisors shall specify the type or types of services which are proposed to be provided within the area pursuant to this chapter.

"Structural fire protection"

25210.5. As used in this chapter, "structural fire protection" includes protection against all fires occurring within a county service area except those for which protection is provided pursuant to Section 25642 of this code

Article 2. Preliminary Proceedings

County service area Establishment

25210.10. A county service area consisting of all or any part or parts of the unincorporated area of a county may be established pursuant to this chapter. Proceedings for the establishment of such an area may be commenced at any time but shall be completed after July 1st but prior to December 31st of any year.

Board of supervisors

25210.11. Proceedings for the establishment of a county service area may be instituted by the board of supervisors on its own initiative and shall be instituted by the board when:

(a) A written request therefor, signed by two members of the board, describing the boundaries of the territory which is proposed for inclusion in the area and specifying the type or types of extended county services already provided or to be provided within the area, is filed with the board; or

(b) A petition requesting the institution of such proceeding and signed by the requisite number of registered voters is filed with the board. The petition may consist of any number of separate instruments, each of which must comply with all the requirements of a petition, except as to the number of signatures.

Petition

25210.12. A petition requesting the institution of proceedings for the establishment of a county service area shall:

(a) Request the board of supervisors to institute proceedings to establish a county service area pursuant to this chapter.

(b) Describe the boundaries of the territory which is proposed for inclusion in the area.

(c) State the type or types of extended county services to be provided within the area.

(d) Be signed by not less than 10 percent of the registered voters residing within the territory proposed to be included within the area. If the board of supervisors finds that the petition is signed by the requisite number of registered voters residing within the territory proposed to be included within the area, that finding shall be final and conclusive.

County boundary commission

25210.13. Before any proceedings are instituted by the board or requested by its members, or any petition is circulated the proposed boundaries of the area shall be submitted to the county boundary commission for recommendation and report as to the definiteness and certainty of the boundaries in the

manner provided for in Chapter 3 of Title 6 of the Government Code.

Resolution of intention

25210.14. Within 40 days after either a written request by two members of the board or a petition requesting the institution of proceedings for the establishment of a county service area is filed with it, the board of supervisors shall adopt a resolution of intention to establish a county service area in the form hereinafter specified.

Contents

25210.15. Proceedings for the establishment of a county service area shall be instituted by the adoption of a resolution of intention to establish the area which shall:

(a) State that a county service area is proposed to be established under the terms of this chapter in the unincorporated area of the county, and describe the boundaries of the territory proposed for inclusion in the area.

(b) State the name proposed for the area in substantially the following form: "County Service Area No. _____."

(c) State the type or types of extended county services already provided or proposed to be provided within the area pursuant to this chapter and that a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such area.

(d) Fix a time and place for a public hearing on the establishment of the area which shall be not less than 30 nor more than 60 days after the adoption of the resolution.

Notice of hearing

25210.16. The clerk of the board of supervisors shall publish a notice of the hearing at least once in a newspaper of general circulation published in the county or if there is no newspaper published in the county then it shall be published in a newspaper of general circulation which is circulated in the area. The last day upon which the notice is published shall be at least seven days prior to the date of the hearing.

Contents

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place for the hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the area, the extent of the area or the furnishing of specified types of extended services will be heard.

Protests

25210.17. At the hearing protests against the establishment of the area, the extent of the area or the furnishing of specified types of extended services within the area may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities and defects to which objection is made. All written protests must be filed with the clerk of the board of supervisors on or before the time fixed for the hearing. The board of supervisors may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings.

Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

25210.17a. If 50 percent or more of the registered voters residing within the territory proposed to be included in the area, or the owners of one-half or more of the value of the territory proposed to be included in the area, as shown by the last equalized assessment roll, file written protests against the establishment of the area, the board shall abandon the proposed establishment of the county service area.

If such majority protest of the registered voters or of assessed property owners is against only the furnishing of a specified type or types of extended service within the area, those types of service shall be eliminated from the resolution finally establishing the area.

Hearing

25210.18. The hearing may be continued from time to time but must be completed within 30 days. At the conclusion of the hearing the board shall find and determine the extent to which the services described in the resolution of intention are extended county services. After making the finding the board may abandon the proposed establishment of the county service area or may, after passing upon all protests, determine to establish the area. If the board abandons the proposed establishment of the county service area the county services found by the board to be extended county services shall not thereafter be provided to the area from general funds of the county. If the board determines to establish the area it shall by resolution so declare and finally determine and establish the boundaries of the county service area and designate the types of services to be performed therein.

Abandonment

Establishment

In establishing the boundaries of the area the board may alter the exterior boundaries of the area to include less territory than that described in the notice of the hearing but it may not include any territory not described in the notice of the hearing.

Land excluded

Land devoted primarily to agricultural or livestock uses and being used for the commercial production of agricultural or livestock products shall be excluded from a county service area if such land is contiguous to other land which is not included within the described exterior boundaries of the county service area, if the board of supervisors finds that such land will not be benefited by any of the types of extended services proposed to be provided within the county service area. Such land may, however, be included in the county service area, if the owner requests its inclusion.

Types of services

In designating the types of services to be performed in the county service area the board may eliminate one or more of the types of services specified in the resolution of intention to establish the area but may not include any types of services not specified in the resolution of intention.

Upon the adoption of the resolution establishing the area, the area is established for all purposes, subject only to compliance with the requirements of Chapter 8, Part 1, Division 2, Title 5

of the Government Code and subject to the provisions of Article 2.5 of this chapter.

Determinations binding

25210.19. If prior to the adoption of the resolution finally establishing the area the board of supervisors finds that the proceedings prior thereto were valid and in conformity with the requirements of this chapter, its determination shall be final and conclusive upon all persons.

Reports

25210.20. At the time of the adoption of the resolution of intention to establish a county service area the board of supervisors may direct each county officer who is or will be responsible for providing one or more of the proposed types of extended services within the area, if it is established, to study the proposed area and at or before the time of the hearing file a report with the board containing a brief description of such extended services by type which will in his opinion be required to adequately meet the needs of the area and his estimate of the cost of providing such extended services. The estimate shall also include the cost of providing any services of the same type which in his opinion are already being furnished within the area to the extent that such services are being furnished on an extended basis.

Cost estimate

All such reports shall be made a part of the record of the hearing on the resolution of intention to establish the area.

Article 2.5. Referendum Elections

Protest petition

25210.21. If a petition protesting against the adoption of a resolution establishing a county service area is presented to the board of supervisors within 60 days after its adoption, the resolution shall be suspended and the supervisors shall reconsider the resolution. The petition shall be signed by at least 10 percent of the registered voters residing within the county service area.

Election

25210.22. If the board of supervisors does not rescind the resolution against which a petition is filed, it shall submit the resolution to the voters of the area at either a regular election or a special election called for the purpose. The resolution shall have no further effect unless and until a majority of the votes cast at said election are cast in favor thereof. If the resolution is not approved by a majority of the votes cast at said election, the county services found by the board to be extended county services shall not thereafter be provided within such area from general funds of the county.

25210.23. The provisions of Article 1, Chapter 2, Division 4 of the Elections Code, relating to the form of petitions, the duties of the county clerk, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on resolutions against which a protest is filed.

Article 3. Extension of Authorized Services

Services

25210.30. Upon the establishment of a county service area only the types of extended services specified in the resolution

establishing the area may be authorized or provided therein under the authority of this chapter.

Additional services

25210.31. If the board of supervisors is of the opinion that public convenience and necessity require that any of the other types of extended services referred to in Section 25210.4 be provided within an established county service area, it may adopt a resolution of intention to provide such other types of extended services within the area. Such proceedings may be commenced at any time but shall be completed after July 1st but prior to December 31st of any year and services shall be commenced the following July 1st.

Resolution of intention

25210.32. The resolution of intention to provide additional types of extended services within an established county service area shall:

(a) State the name of the area.

(b) Generally describe the territory included in the area.

(c) Specify the additional types of extended services which it is proposed to provide within the area and state that a tax sufficient to pay for such additional extended services will be levied annually upon all taxable property within such area.

(d) Fix a time and place for a hearing upon the question of providing such additional types of extended services within the area, which shall not be less than 30 nor more than 60 days after the adoption of the resolution of intention.

Notice of hearing

25210.33. The clerk of the board of supervisors shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a county service area.

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place for hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the furnishing of the additional types of extended services will be heard.

Protests

25210.34. At the hearing protests against the furnishing of the additional types of extended services may be made orally, or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities or defects to which objection is made. All written protests must be filed with the clerk of the board of supervisors on or before the time fixed for the hearing. The board of supervisors may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

25210.34a. If 50 percent or more of the registered voters residing within the area, or the owners of one-half or more of the value of the territory included in the area as shown by the last equalized assessment roll, file written protests against the furnishing of any specified type or types of extended service within the area, those types of service shall be eliminated from

the resolution ordering additional types of extended service to be provided within the area.

Hearing

25210.35. The hearing may be continued from time to time, but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order one or more of the specified additional types of extended services to be provided within the area commencing July 1st of the next fiscal year in which a tax levy may be made. If the board abandons the proceedings, it shall not thereafter provide any of the specified additional types of extended services described in the resolution of intention, and found by the board to be extended county services, within such area from general funds of the county.

Determination binding

25210.36. If prior to the adoption of the resolution ordering the additional types of extended services the board of supervisors finds that the proceedings prior thereto were valid and in conformity with the requirements of this chapter, its determination shall be final and conclusive upon all persons.

Request or petition for additional services

25210.37. If a written request signed by two members of the board or a petition signed by 10 percent or more of the registered voters residing in the area is filed with the board of supervisors requesting that proceedings be commenced for the furnishing of specified additional types of extended services the board shall within 40 days thereafter adopt a resolution of intention in the form specified in Section 25210.32 to provide such additional types of extended services within the county service area.

25210.38. The petition shall request the board of supervisors to commence proceedings to furnish specified additional types of extended services within a named county service area. The petition may consist of any number of separate instruments each of which must comply with all the requirements of a petition except as to the number of signatures.

Article 4. Extended Police Protection

Police protection services:

25210.40. The board of supervisors of any county is authorized to provide, pursuant to the provisions of this chapter, extended police protection services within any county service area established for that purpose.

Scope

25210.41. If extended police protection is to be provided within any county service area the board of supervisors may on or before April 1st of each year, by resolution, determine the nature and extent of the extended police protection services to be provided at the expense of county service area funds within the area during the next succeeding fiscal year.

Cost estimate

25210.42. On or before July 10th in each year, as the board of supervisors directs, the sheriff shall file with the board of supervisors and the county auditor an estimate, accompanied by such supporting data as the board of supervisors may require, of the cost of providing the extended police protection

service determined upon by the resolution of the board of supervisors. The estimate shall show the amount of money required for general fund purposes and for salary fund purposes.

Adoption or revision

25210.43. The board of supervisors shall either adopt or revise the estimate and the estimate as finally approved by the board of supervisors shall fix the amount of money required for the purpose of providing extended police protection in the area for the next succeeding fiscal year and no other budgetary requirements for such extended police protection services shall be deemed applicable to the area.

Tax rates

25210.44. Each year at the time the board of supervisors fixes and levies taxes for county purposes it shall also fix the rates of county service area taxes and shall levy the taxes upon all taxable property within the area. The rate shall be such as will produce, after due allowance for delinquency as fixed by the board, the amount found by deducting from the estimate finally approved by the board, the amount of estimated revenue from other sources of the county service area to be received during the fiscal year and of any available surplus.

Annual tax levy Collection

25210.45. The tax for extended police protection services shall be annually levied and collected by the same officers and at the same time and in the same manner as other county taxes are levied and collected. All collections shall be paid into the county treasury to the credit of the county service area.

Transfer of funds

25210.46. From time to time during the fiscal year as determined by the board of supervisors, the board of supervisors shall order the transfer from the funds in the county treasury standing to the credit of the county service area of an amount found by the board of supervisors to be sufficient to reimburse the county general fund and the county salary fund for the expenditures made therefrom in the performance of extended police protection services in the area.

Tax exemptions

25210.47. Any property included in a county service area which is also included within a police protection district shall be exempt from taxation under this chapter for the furnishing of extended police protection services within the county service area and none of the funds raised by taxation upon the county service area for the purpose of providing extended police protection services shall be expended within the territory included in a police protection district.

Article 5. Structural Fire Protection Services

Structural fire protection services

25210.50. The board of supervisors of any county is authorized to provide, pursuant to the provisions of this chapter, structural fire protection services within any county service area established for that purpose.

Nature and extent

25210.51. If structural fire protection is to be provided within any county service area the board of supervisors may, on or before April 1st of each year, by resolution, determine the nature and extent of the structural fire protection services to be provided at the expense of county service area funds within

the area during the next succeeding fiscal year, and whether such services are to be performed by means of cooperative agreement with the State pursuant to Section 4006 of the Public Resources Code, or with cities or fire protection districts in the county, or by means of a county officer designated by the board of supervisors whose duty it shall be to provide such services subject to the direction of the board of supervisors.

Cost estimates

25210.52. If structural fire protection services are to be provided by a county officer, on or before July 10th of each year, as the board of supervisors directs, the officer designated by the board of supervisors for that purpose, shall file with the board of supervisors and the county auditor an estimate, accompanied by such supporting data as the board of supervisors may require, of the cost of providing the structural fire protection services determined upon by the resolution of the board of supervisors. The estimate shall show the amount of money required for general fund purposes and for salary fund purposes.

Adoption or revision

25210.53. The board of supervisors shall either adopt or revise the estimate and the estimate as finally approved by the board of supervisors shall fix the amount of money required for the purpose of providing pursuant to this chapter structural fire protection in the area for the next succeeding fiscal year and no other budgetary requirements for such structural fire protection services shall be deemed applicable to the area.

Cooperative agreement

25210.53a. If structural fire protection services are to be provided by means of cooperative agreement, the amount of money required to meet the county's obligation under that agreement shall fix the amount of money required for the purpose of providing pursuant to this chapter structural fire protection in the area for the next succeeding fiscal year and no other budgetary requirements for such structural fire protection services shall be deemed applicable to the area.

Tax rates, levy, etc

25210.54. Each year at the time the board of supervisors fixes and levies taxes for county purposes it shall also fix the rates of county service area taxes and shall levy the taxes upon all taxable property within the area. The rate shall be such as will produce, after due allowance for delinquency as fixed by the board, the amount found by deducting from the estimate finally approved by the board, or by the cooperative agreement, the amount of estimated revenue from other sources of the county service area during the fiscal year and any available surplus.

25210.55. The tax for structural fire protection services shall be annually levied and collected by the same officers and at the same time and in the same manner as other county taxes are levied and collected. All collections shall be paid into the county treasury to the credit of the county service area.

Transfer of funds

25210.56. From time to time during the fiscal year as determined by the board of supervisors, the board of supervisors shall order the transfer from the funds in the county treasury standing to the credit of the county service area of an amount

found by the board of supervisors to be sufficient to reimburse the county general fund and the county salary fund for the expenditures made therefrom in the performance of structural fire protection services in the area.

Tax exemptions

25210.57. Any property included in a county service area which is also included in a fire protection district shall be exempt from taxation under this chapter for the furnishing of structural fire protection services within the area, and none of the funds raised by taxation upon the county service area for the purpose of providing structural fire protection services shall be expended within the area included in a fire protection district.

Article 6. Local Park, Recreation or Parkway Facilities and Services

Park, recreation or parkway facilities and services

25210.60. The board of supervisors of any county is authorized to establish and maintain, pursuant to the provisions of this chapter local park, recreation or parkway facilities and services within any county service area established for that purpose.

25210.61. A local park, recreation or parkway facility as those terms are used in this chapter mean and refer to those parks, recreation or parkway facilities which the board of supervisors determines are maintained primarily for the benefit of and are used primarily by residents within the county service area.

Nature and extent

25210.62. If local park, recreation or parkway facilities are to be established and maintained within any county service area, the board of supervisors may on or before April 1st of each year, by resolution, specify the park, recreation or parkway facilities to be established and maintained at the expense of county service area funds within the county service area and the extent of the work to be done in connection therewith during the next succeeding fiscal year. The board shall also designate the county officer whose duty it shall be to maintain, operate, manage and control such facilities and perform such work, subject to the direction of the board of supervisors.

Cost estimate

25210.63. On or before July 10th of each year, as the board of supervisors directs, the officer designated by the board of supervisors for that purpose, shall file with the board of supervisors and the county auditor an estimate accompanied by such supporting data as the board of supervisors may require, of the cost of providing the park, recreation or parkway facilities and services determined upon by the resolution of the board of supervisors. The estimate shall show the amount of money required for general fund purposes and for salary fund purposes.

Adoption or revision

25210.64. The board of supervisors shall either adopt or revise the estimate and the estimate as finally approved by the board of supervisors shall fix the amount of money required for the purpose of providing, pursuant to this chapter, local park,

recreation or parkway facilities and services in the area for the next succeeding fiscal year and no other budgetary requirements for such local park, recreation or parkway facilities and services shall be deemed applicable to the area.

Tax rates, levy, etc

25210.65. Each year at the time the board of supervisors fixes and levies taxes for county purposes it shall also fix the rates of county service area taxes and shall levy the taxes upon all taxable property within the area. The rate shall be such as will produce, after due allowance for delinquency as fixed by the board, the amount found by deducting from the estimate, finally approved by the board, the amount of estimated revenue from other sources of the county service area during the fiscal year and any available surplus.

25210.66. The tax for local park, recreation or parkway facilities and services shall be annually levied and collected by the same officers and at the same time and in the same manner as other county taxes are levied and collected. All collections shall be paid into the county treasury to the credit of the county service area.

Transfer of funds

25210.67. From time to time during the fiscal year as determined by the board of supervisors, the board of supervisors shall order the transfer from the funds in the county treasury standing to the credit of the county service area of an amount found by the board of supervisors to be sufficient to reimburse the county general fund and the county salary fund for the expenditures made therefrom in providing local park, recreation or parkway facilities and services in the area.

Tax exemptions

25210.68. Any property included in a county service area which is also included in a district organized and existing under Article 1, 2 or 4 of Chapter 3 of Division 5 of the Public Resources Code shall be exempt from taxation under this chapter and none of the funds raised by taxation upon the county service area for the purpose of providing local park, recreation or parkway facilities and services shall be expended within the area included in such a district.

Article 7. Miscellaneous Extended Services

Miscellaneous services

25210.70. Within any county service area the board of supervisors of any county may provide, pursuant to the provisions of this chapter, those miscellaneous extended services authorized to be provided within that area.

25210.71. Miscellaneous extended services shall be provided within an entire county service area.

Nature and extent

25210.72. If miscellaneous extended services are to be provided within any county service area the board of supervisors may on or before April 1st of each year, by resolution, determine the nature and extent of such services to be provided at the expense of county service area funds within the area during the next succeeding fiscal year.

Cost estimate

25210.73. On or before July 10th in each year, as the board of supervisors directs, the county officer or officers required by

law to perform such services or designated by the board of supervisors as the officer whose duty it shall be to provide such services subject to the direction of the board of supervisors, shall file with the board of supervisors and the county auditor an estimate, accompanied by such supporting data as the board of supervisors may require, of the cost of providing the miscellaneous extended services determined upon by the resolution of the board of supervisors. The estimate shall show the amount of money required for general fund purposes and for salary fund purposes.

Adoption or revision

25210.74. The board of supervisors shall either adopt or revise the estimate and the estimate as finally approved by the board of supervisors shall fix the amount of money required for the purpose of providing such miscellaneous extended services in the area for the next succeeding fiscal year and no other budgetary requirements for such miscellaneous extended services shall be deemed applicable to the area.

Tax rates, levy, etc

25210.75. Each year at the time the board of supervisors fixes and levies taxes for county purposes it shall also fix the rates of county service area taxes and shall levy the taxes upon all taxable property within the area. The rate shall be such as will produce, after due allowance for delinquency as fixed by the board, the amount found by deducting from the estimate finally approved by the board, the amount of estimated revenue from other sources of the county service area during the fiscal year and of any available surplus.

25210.76. The tax for miscellaneous extended services shall be annually levied and collected by the same officers and at the same time and in the same manner as other county taxes are levied and collected All collections shall be paid into the county treasury to the credit of the county service area.

Transfer of funds

25210.77. From time to time during the fiscal year as determined by the board of supervisors, the board of supervisors shall order the transfer from the funds in the county treasury standing to the credit of the county service area of an amount found by the board of supervisors to be sufficient to reimburse the county general fund and the county salary fund for the expenditures made therefrom in the performance of the authorized miscellaneous extended services in the area

Article 8. Annexations to County Service Areas

Annexation of territory

25210.80. Whenever the board of supervisors determines that services of the type being provided within a county service area should be provided in any other portion of the unincorporated territory of the county whether contiguous to the existing area or not, the board may annex that territory to the area in the manner provided by this article.

Commencement of proceedings

25210.81. Proceedings for the annexation of territory to a county service area may be commenced by the board of supervisors by the adoption of a resolution which shall:

(a) State the name of the county service area to which the territory is proposed to be annexed.

(b) State the types of services provided within the area.

(c) Describe the boundaries of the territory proposed to be annexed to the area.

(d) Fix a time and place for a hearing upon the question of the annexation of the territory to the area.

Proceedings for the annexation of territory to a county service area may be commenced at any time but shall be completed after July 1st but prior to December 31st of any year.

Notice of hearing

25210.82. The clerk of the board of supervisors shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish the area.

Contents

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place for hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the annexation will be heard.

Protests

25210.83. At the hearing protests against the annexation may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities or defects to which objection is made. All written protests must be filed with the clerk of the board of supervisors on or before the time fixed for the hearing. The board of supervisors may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

Hearing: Action of board

25210.84. The hearing may be continued from time to time, but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the territory annexed to the area. The annexation shall be effective immediately upon the adoption of the resolution subject only to compliance with the requirements of Chapter 8, Part 1, Division 2, Title 5 of the Government Code, but services need not be provided under this chapter in the annexed territory until the first of July of the next fiscal year in which a tax levy may be made.

Abandonment of annexation

25210.84a. If 50 percent or more of the registered voters residing within the territory proposed to be annexed to the area, or the owners of one-half or more of the value of the territory proposed to be annexed to the area as shown by the last equalized assessment roll, file written protests against the annexation, the board shall abandon the annexation proceedings.

Determination binding

25210.85. If prior to the adoption of the resolution of annexation the board of supervisors determines that the proceedings prior thereto were valid and in conformity with the require-

ments of this chapter, its determination shall be final and conclusive upon all persons.

Article 9. Exclusion From and Discontinuance of County Service Areas

Exclusion of territory

25210.90. Whenever any territory in a county service area is included within a city by reason of incorporation, annexation or otherwise that territory shall be automatically excluded from the county service area upon the effective date of its inclusion in the city, whether or not such inclusion within a city occurs before or after the completion of the formation of the county service area, subject only to compliance with the requirements of Chapter 8, Part 1, Division 2, Title 5 of the Government Code.

Division of funds

Upon the exclusion of such territory all unencumbered funds standing to the credit of the area upon the date of the exclusion shall be divided between the city and the county service area in proportion to the assessed value of the real property of the territory excluded and the portion remaining. For the purpose of this section the unencumbered funds are the sum of money, uncollected taxes, including taxes levied and collected for the area on property withdrawn after the date of withdrawal, and other uncollected accounts belonging to or due such area, in excess of an amount sufficient to pay all claims and accounts against the area.

Abandonment of county service area

25210.91. If the board of supervisors does not levy any county service area taxes or furnish any extended county services within the area for three consecutive years and no county service area funds are expended for three consecutive years, the county service area shall be deemed to be abandoned and no taxes shall be thereafter levied within the area pursuant to this chapter unless the area is re-established by the board of supervisors in the manner provided for in Article 2 of this chapter. Upon the abandonment of a county service area any remaining assets of the area revert to the county and may be expended by the county in providing governmental services within the area.

Discontinuance proceedings

25210.92. Proceedings for the discontinuance of a county service area may be instituted by the board of supervisors on its own initiative and shall be instituted by the board when:

(a) A written request therefor, signed by two members of the board, is filed with the board, or

(b) A petition requesting the institution of such proceedings and signed by the requisite number of registered voters residing within the area is filed with the board.

Petition

25210.93. A petition requesting the institution of proceedings for the discontinuance of a county service area shall:

(a) Name the county service area and request that proceedings be instituted for its discontinuance.

(b) Name the type or types of extended services which are authorized to be provided within the area and state that it is understood that upon the discontinuance of the area such extended services will not thereafter be provided within the area under this chapter.

(c) Be signed by not less than 10 percent of the registered voters residing within the area. If the board of supervisors finds that the petition is signed by the requisite number of registered voters residing within the area, that finding shall be final and conclusive.

Resolution of intention to discontinue

25210.94. Within 40 days after either a written request by two members of the board, or a petition requesting the institution of proceedings for the discontinuance of a county service area is filed with it, the board of supervisors shall adopt a resolution of intention to discontinue the area containing at least the matter hereinafter specified.

25210.95. Proceedings for the discontinuance of a county service area shall be instituted by the adoption of a resolution of intention to discontinue the area which shall:

(a) Name the area and describe generally the territory included in the area.

(b) Name the type or types of extended service which are authorized to be provided within the area and state that if the area is discontinued such services will not thereafter be provided within the area pursuant to this chapter.

(c) Fix a time and place for a public hearing on the discontinuance of the area which shall not be less than 30 nor more than 60 days after the adoption of the resolution.

Notice of hearing

25210.96. The clerk of the board of supervisors shall give notice of the hearing in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a county service area.

Contents

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place of the hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the discontinuance of the area will be heard.

Protests

25210.97. At the hearing protests against the discontinuance of the area may be made orally or in writing by any interested persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularity or defects to which objection is made. All written protests must be filed with the clerk of the board of supervisors on or before the time fixed for the hearing. The board of supervisors may waive any irregularities in the form or content of any written protests and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

Hearing Action of board

25210.98. The hearing may be continued from time to time but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the discontinuance of the area and fix the effective date thereof which shall not be later than June 30th of the fiscal year in which the resolution is adopted. Upon the discontinuance of a county

service area any unencumbered funds standing to the credit of the county service area in the county treasury, shall be transferred to the general fund of the county.

CHAPTER 859

An act to add Section 585.5 to the Vehicle Code, relating to the authority of officers.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 585.5 is added to the Vehicle Code, to read:

585.5. When Officers Authorized to Remove Vehicles From Private Property. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located is hereby authorized to remove a vehicle from private property to the nearest garage or other place of safety or to a garage designated or maintained by the governmental agency of which the officer is a member under the circumstances hereinafter enumerated.

Removal of vehicles from private property

(1) When any vehicle is found and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled.

(2) When any such officer has reasonable ground to believe that any vehicle has been abandoned.

(b) The provisions of subsections (c), (d), (e) and (f) of Section 585 shall apply in the case of vehicles removed under this section.

CHAPTER 860

An act to repeal Section 5725 of, and to add Section 5725 to, the Elections Code, relating to elections.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5725 of the Elections Code is repealed.

SEC. 2. Section 5725 is added to said code, to read:

5725. If a voter spoils or defaces the ballot first received, he shall at once return it to the ballot clerk and receive another.

Defaced ballots

CHAPTER 861

An act to add Section 31050 to the Water Code, relating to county water districts.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 31050 is added to the Water Code, to read:

Agreements to purchase works, etc

31050. Any agreement made to purchase from the owner thereof, any works, land or structures useful to carry out the purposes authorized by this division, may provide that the district shall pay all or any part of the purchase price thereof and interest thereon to such owner or to his order over a period of years fixed in the agreement wholly from the net operating income of such works, land or structures. The owner shall have as his sole security for such payments the right to repossess such works, land or structures upon default.

CHAPTER 862

An act to amend Sections 5472, 5473, 5473.1, 5473.2, 5473.3 and 5473.4, to amend and renumber Sections 5470, 5471, 5473.4a, 5473.5, 5473.6, 5473.7, and 5473.8, and to repeal Sections 5473.9, 5473.10, and 5473.11, of the Health and Safety Code, relating to imposing and collecting sewer service charges, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5470 of the code cited in the title is renumbered and amended to read as follows:

Sanitation or sewerage charges

5471. Any entity shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it, either within or without its territorial limits, in connection with its sanitation or sewerage systems; provided, that the entity may provide that such charge for such service shall be collected with the rates, tolls and charges for any other utility, and that any or all such charges may be billed upon the same bill; provided further, that where such charge is to be collected with the charges for any other utility service furnished by a department or agency of such entity and over which its legislative body does not exercise control, the consent of such department or agency shall be obtained prior to collecting sani-

tation or sewerage charges with the charges for any other utility. Revenues derived under the provisions in this section, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of water systems and sanitation or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such water systems and sanitary or sewerage facilities and to repay federal or state loans or advances made to such entity for the construction or reconstruction of water systems and sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

Use of proceeds

SEC. 2. Section 5471 of said code is renumbered and amended to read as follows:

5470. The following words wherever used in this article shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words:

Definitions

(a) Assessment Roll. "Assessment roll" refers to the assessment roll upon which general taxes of the entity are collected.

(b) Auditor. "Auditor" means the financial officer of the entity.

(c) Clerk. "Clerk" means the official clerk or secretary of the entity.

(d) Chambers. "Chambers" refers to the place where the regular meetings of the legislative body of the entity are held.

(e) Entity. "Entity" means and includes counties, cities and counties, cities, sanitary districts, county sanitation districts, sewer maintenance districts, and other public corporations and districts authorized to acquire, construct, maintain and operate sanitary sewers and sewerage systems.

(f) Rates or Charges. "Rates or charges" shall mean fees, tolls, rates, rentals or other charges for services and facilities furnished by an entity in connection with its sanitation or sewerage systems.

(g) Real Estate. "Real estate" includes:

(1) The possession of, claim to, ownership of, or right to possession of land; and

(2) Improvements on land.

(h) Tax Collector. "Tax collector" means the officer who collects general taxes for the entity.

SEC. 3. Section 5472 of said code is amended to read as follows:

5472. Such rates may be collected with the rates for any other utility service furnished by a department or agency of such entity over which the legislative body thereof does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of said department or agency or public utility owner, which agreement shall establish the terms and conditions upon which such collections

Utility service rates Collection

shall be made. Such agreement, in the discretion of such department or agency or public utility owner mak ng the collections, also may provide that said rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such other utility service charge.

SEC. 4. Section 5473 of said code is amended to read as follows:

Collected with taxes

5473. Any entity which has adopted an ordinance pursuant to this article or an order pursuant to Section 6520.5 may, by such ordinance or by separate ordinances approved by a two-thirds vote of the members of the legislative body thereof, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. In such event, it shall cause a written report to be prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for said year, computed in conformity with the charges prescribed by said ordinance.

The powers authorized by this section shall be alternative to all other powers of any entity, and alternative to other procedures adopted by the legislative body thereof for the collection of such charges.

SEC. 5. Section 5473.1 of said code is amended to read as follows:

Notice of hearing

5473.1. The clerk shall cause notice of the filing of said report and of a time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in a newspaper of general circulation printed and published within the entity if there is one and if not then in such paper printed and published in the county within which the greater part of such district is located.

Notice of filing report

Before any entity may have such charges collected on the tax roll for the first time following the effective date of this section, the clerk shall cause a notice in writing of the filing of said report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is assessed in the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to said clerk. If the legislative body adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as herein provided shall be adequate.

SEC. 6. Section 5473.2 of said code is amended to read as follows:

Protests

5473.2. At the time stated in the notice, the legislative body shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing

from time to time. If the legislative body finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land.

SEC. 7. Section 5473.3 of said code is amended to read as follows:

Determination final

5473.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report which determination shall be final.

SEC. 8. Section 5473.4 of said code is amended to read as follows:

Entry of charges

5473.4. On or before the tenth day of August of each year following such final determination, the clerk shall file with the auditor a copy of said report with a statement endorsed thereon over his signature that it has been finally adopted by the legislative body of the entity and the auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the entity they shall be added to the assessment roll of such entity for the purpose of collecting such charges. If the property is not described on the roll, the auditor may enter the description thereon together with the amounts of the charges, as shown in the report.

SEC. 9. Section 5473.4a is renumbered and amended to read as follows:

Lien

5473.5. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

SEC. 10. Section 5473.5 is renumbered and amended to read as follows:

Inclusion on tax bills

5473.6. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

SEC. 11. Section 5473.6 is renumbered and amended to read as follows:

Collection

5473.7. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the entity, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

SEC. 12. Section 5473.7 is renumbered and amended to read as follows:

Laws applicable

5473.8. All laws applicable to the levy, collection and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

SEC. 13. Section 5473.8 is renumbered and amended to read as follows:

Separate bills, etc

5473.9. The tax collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for an entity other than the county in an amount to be fixed by agreement between the board of supervisors and the legislative body of the entity. The compensation shall not exceed 1 percent of all money collected. The compensation shall be paid into the county salary fund.

Repeals

SEC. 14. Sections 5473.9, 5473.10, and 5473.11 of said code are repealed.

SEC. 15. 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:

Urgency

The purpose of this bill is to amend the procedure in the Health and Safety Code for the imposition and collection of sewer service charges on tax rolls. There are many public entities throughout the State which are anxious to exercise the powers granted by this part of the code, but which have found the present procedure too cumbersome and expensive. In order for his proposed change in procedure to be effective in time for the economical exercise of this power for the Fiscal Year 1953-54, it is necessary that this bill go into immediate effect.

CHAPTER 863

An act to amend Section 440 of the Education Code, relating to compensation for public service in counties of the fortieth class.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 440 of the Education Code is amended to read:

Tehama County Superintendent of Schools' Salary

440 The annual salary of the county superintendent of schools of a county of the fortieth class is six thousand five hundred dollars ($6,500), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

CHAPTER 864

An act to add Section 156 to the Business and Professions Code, relating to contracts of the Department of Professional and Vocational Standards.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 156 is added to the Business and Professions Code, to read:

156. The director may, at the request and with the consent of the particular board within the department on whose behalf the contract is to be made, enter into contracts pursuant to Article 4 of Chapter 3 of Part 1 of Division 3 of Title 2 of the Government Code for and on behalf of any board within the department.

Contracts

CHAPTER 865

An act to add Sections 26220, 26221 and 26222 to the Government Code, relating to the assignment of delinquent county claims and accounts to licensed collection agencies for the purpose of collection.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 26220 is added to the Government Code, to read:

26220. The board of supervisors may by a unanimous vote of its members assign any or all delinquent bills, claims and accounts, thirty (30) days after the date upon which they are due and payable to the county, and any or all money judgments taken in the name of the county, to a collection agency duly licensed by the State of California, for purposes of collection, under such terms and conditions as the board may prescribe; provided, that no assignment shall be made of obligations arising out of any delinquent assessments or taxes levied by the county or any other political subdivision of the State.

Assignment of county claims, accounts, etc., to collection agency

SEC. 2. Section 26221 is added to the Government Code, to read:

26221. As a prerequisite to assignment under Section 26220, the board of supervisors shall require the collection agency to furnish a bond in the sum of not less than ten thousand dollars ($10,000) payable to the county and executed by a corporate surety licensed to do business in this State for the faithful performance of the terms and conditions of the assignment. The board may order the county auditor to make periodic audits of

Agency must be bonded

Audits

the accounts and books of the collection agency and when so ordered the auditor shall report his findings to the board.

SEC. 3. Section 26222 is added to the Government Code, to read:

Legal process

26222. The assignee, through an attorney duly licensed to practice in this State, may invoke legal process in the collection of obligations assigned.

CHAPTER 866

An act to amend Section 145 and to repeal Sections 143 and 144 of the Education Code, relating to deputy superintendents of public instruction.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 145 of the Education Code is amended to read:

Deputy superintendent of public instruction, etc

145. The Superintendent of Public Instruction may employ one deputy superintendent of public instruction and necessary clerical and expert assistants, and may fix the compensation of all statutory and other employees as provided by law, except as otherwise provided.

Repeal

SEC. 2. Sections 143 and 144 of said code are repealed.

CHAPTER 867

An act to repeal Section 1881.3 of the Civil Code, relating to private bulk storage of grain.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 1881.3 of the Civil Code is repealed.

CHAPTER 868

An act to authorize a suit or suits against the State of California and the Regents of the University of California, to quiet title against them to certain real property situated in the County of San Luis Obispo, State of California.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

Quiet title action

SECTION 1. Any person or persons owning or claiming any interest in or to that certain real property situated in the

County of San Luis Obispo, State of California, and described in this act, may bring suit against the State of California and the Regents of the University of California, in accordance with law, in any court of competent jurisdiction of the State of California, to quiet title to the said property and to prosecute the action to final judgment. If the judgment is given against the State or the regents in the suit, no costs shall be recovered against the State or the regents.

Statute of limitations

SEC. 2. Any action brought under the provisions of this act shall be commenced within one year from the effective date of this act.

Service of summons

SEC. 3. Service of summons in any such suit shall be made upon the Chairman of the State Lands Commission and Attorney General and the Chairman of the Regents of the University of California, and it shall be the duty of the Attorney General and the counsel of the regents to represent the State in such suit.

Description

SEC. 4. The real property referred to in Section 1 of this act is described as follows:

All that real property in the County of San Luis Obispo, State of California, described as follows:

Lot Thirty (30) of Blochman Tract, being a part of the northeast quarter (NE. ¼) of the northeast quarter (NE ¼) of Section Twenty-five (25), Township Twenty-seven (27) South, Range Ten (10) East, Mount Diablo Base and Meridian. Containing seven and 74/100 (7.74) acres of land.

CHAPTER 869

An act to amend Section 5922 of the Education Code, relating to warehouse revolving funds.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5922 of the Education Code is amended to read:

Revolving fund: One school district

5922. The amount of the revolving fund shall not exceed an amount equal to the average daily attendance of the district for the next preceding year multiplied by ten dollars ($10), and shall be determined as follows: The inventory of stores on hand of the school district at the time of the establishment of the fund, which stores have been paid for from school district funds and reported to the county superintendent, plus what ever sum the governing board in its discretion may appropriate, not to exceed an aggregate sum determined as above, including stores on hand and designated appropriation, shall be the amount to constitute the revolving fund of the district.

Common revolving fund for two or more districts

Where a common revolving fund is established for two or more school districts governed by governing boards of identical personnel, the amount of the revolving fund shall not exceed an amount equal to the average daily attendance of the districts for the next preceding year multiplied by ten dollars ($10), and shall be determined as follows: The inventory of stores on hand of each school district at the time of the establishment of the fund which have been paid for from school district funds and reported to the county superintendent, plus whatever sums the governing board of each district in its discretion may appropriate, not to exceed an aggregate sum as determined above, including stores on hand and designated appropriations, shall be the amount to constitute the revolving fund, and each district shall retain its equity in the common fund.

Increase in amount

The amount of any revolving fund once established as herein prescribed may be increased to an amount not in excess of the average daily attendance of the next preceding year multiplied by ten dollars ($10), or decreased, in the discretion of the governing board, as the needs of the district may require, in the same manner and by the same procedure as herein prescribed for establishment of such fund.

Warrants

The fund is established through the sale of stores to the school districts, which shall be paid by warrant The warrants shall be made payable to the "revolving fund of _ _ _ _ _ _." (Here insert name or names of the school district or school districts establishing the fund.)

CHAPTER 870

An act to amend Section 18109 of the Health and Safety Code, relating to auto courts and resorts, and auto and trailer camps.

In effect September 9, 1953

[Approved by Governor May 23, 1953 Filed with Secretary of State May 23, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 18109 of the Health and Safety Code is amended to read:

Auto courts and resorts Application of part

18109. The provisions of this part relating to auto courts and resorts apply only in the unincorporated areas of this State. The provisions of this part relating to auto and trailer camps apply to all parts of the State except within cities, counties, and cities and counties that have enacted and are enforcing local ordinances regulating auto and trailer camps and such ordinances prescribe minimum standards equal to or greater than the provisions of this part relating to auto and trailer camps The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of the police power, from prohibiting auto and trailer camps within such city, county, or city and county, or from adopting rules and regulations, by ordinance

or resolution, prescribing higher standards of sanitation, health and safety for auto and trailer camps and requiring a local health permit to maintain and conduct any such auto and trailer camp within such city, county, or city and county.

CHAPTER 871

An act to amend Sections 10133, 10141, 10142, 10162, 10207, 10208.5, and 10213.5 of, to add Section 10161.7 to, and to repeal Sections 10208.7 and 10213.7 of the Business and Professions Code, relating to real estate brokers' and salesmen's licenses.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 10133 of the Business and Professions Code is amended to read:

Exclusions

10133. The definitions of a real estate broker and a real estate salesman as set forth in Sections 10131 and 10132, do not include the following:

(a) Anyone who directly performs any of the acts within the scope of this chapter with reference to his own property or, in the case of a corporation which, through its regular officers receiving no special compensation therefor, performs any of the acts with reference to the corporation's own property.

(b) Anyone holding a duly executed power of attorney from the owner.

(c) Services rendered by an attorney at law in performing his duties as such attorney at law.

(d) Any receiver, trustee in bankruptcy, or any person acting under order of any court.

(e) Any trustee selling under a deed of trust

SEC. 2. Section 10141 of said code is amended to read:

Notice to buyer and seller

10141. Within one month after the closing of a transaction in which title to real property is conveyed from a seller to a purchaser through a licensed real estate broker, such broker shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof and in event an exchange of real property is involved, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker.

SEC. 3. Section 10142 of said code is amended to read:

Copy of agreement

10142. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase or sell real estate, or when such licensee secures the signature of any person to any contract pertaining to the sale, purchase,

exchange, or leasing of real property, he shall deliver a copy of the agreement to the person signing it at the time the signature is obtained.

SEC. 4. Section 10161.7 is added to said code, to read:

Inactive license

10161.7. A licensed real estate broker or salesman may request that his license be inactivated. The commissioner shall thereupon issue to such person an inactive license certificate. This inactive license certificate may consist of the license itself, with an endorsement stating that it is inactive and does not permit the holder to transact business under it.

An inactive license which is not suspended or revoked may be reinstated at any time during the fiscal year for which issued and may be renewed each fiscal year upon the making of application therefor and the payment of the appropriate fee.

The holder of an inactive broker license need not maintain a place of business or a sign as required by Sections 10162 and 10164.

The holder of an inactive license shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

SEC. 5. Section 10162 of said code is amended to read:

Place of business

10162. Every licensed real estate broker shall have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business. This office shall be the place where his license is displayed and where personal consultations with clients are held.

No real estate license authorizes the licensee to do business except from the location stipulated in the real estate license.

Notice in writing shall be given the commissioner of change of business location of a real estate broker, whereupon the commissioner shall issue a new license for the unexpired period.

SEC. 6. Section 10207 of said code is amended to read:

Fees

10207. The amount of the real estate fees prescribed for a license under this chapter is that fixed by the following provisions of this article No part of any fee paid in accordance with the provisions of this chapter is refundable. It is deemed earned by the division upon its receipt.

SEC. 7. Section 10208.5 of said code is amended to read:

Broker's license fee Payable when

10208.5. The original real estate broker's license fee is payable at the time of the filing of an application for an original real estate broker's license.

Examination

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to qualify for an original real estate broker's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken; provided, however, that as to applications filed with the division prior to October 1, 1953, such lapse shall not occur until October 1, 1956.

Repeal

SEC. 8 Section 10208 7 of said code is hereby repealed.

SEC. 9. Section 10213.5 of said code is amended to read:

10213.5. An original real estate salesman's license fee is payable on filing an application for an original real estate salesman's license. Salesman's license fee Payable when

If the applicant fails to pass the required written examination he may be permitted to take another examination upon payment of an additional fee of five dollars ($5). If an applicant fails to qualify for an original real estate salesman's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken; provided, however, that as to applications filed with the division prior to October 1, 1953, such lapse shall not occur until October 1, 1956. Examination

SEC. 10. Section 10213.7 of said code is hereby repealed. Repeal

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CHAPTER 872

An act to amend Sections 10080, 10082 and 10106 of the Business and Professions Code, relating to real estate brokers' and salesmen's licenses.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 10080 of the Business and Professions Code is amended to read:

10080. The commissioner may from time to time promulgate necessary rules and regulations for the conduct of his office and the administration and enforcement of the provisions of this part and of Chapter 1 of Part 2. At least 30 days prior to the adoption of such rules and regulations the commissioner shall notify the State Real Estate Board of his intention to adopt same. Real Estate Commissioner Rules and regulations

SEC. 2. Section 10082 of said code is amended to read:

10082. The commissioner shall publish or cause to be published on or about the first day of October of each year a directory or list of licensed brokers and salesmen and may publish therewith such matter as he may deem pertinent to this part and Chapter 1 of Part 2. He shall furnish one copy of such directory to each licensed broker upon his request and the payment of a charge of one dollar ($1) therefor. Such directory shall contain copies of the Real Estate Law, Chapter 1 of Part 2 of Division 4 of the Business and Professions Code, and the Rules and Regulations of the Real Estate Commissioner. Publication of directory

SEC. 3. Section 10106 of said code is amended to read:

10106. Any party aggrieved by the decision of the commissioner may make a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing. Transcript

The fee for a certified transcript is the fee specified in Section 274 of the Code of Civil Procedure as now or hereafter amended.

CHAPTER 873

An act to amend Sections 10505, 10525, 10587, 10588.5, 10593.5, of, and to add Sections 10524.7 and 10514 to, and to repeal Sections 10588.7 and 10593.7 of the Business and Professions Code, relating to mineral, oil and gas brokers and salesmen.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 10505 of the Business and Professions Code is amended to read:

Exclusions

10505. The definitions of a mineral, oil and gas broker and a mineral, oil and gas salesman as set forth in Sections 10501, 10502 and 10504, do not include the following:

(a) Any person acting solely as a depositary under an oil or gas lease, or oil and gas lease, other than for purposes of sale.

(b) Any person who engages in any transaction pursuant to an order of a court of competent jurisdiction.

(c) Any person, and the officers and employees of such person, engaged in the business of drilling for or producing oil or gas, or of mining for or producing minerals.

(d) Any person whose activities are confined to negotiations between an owner of mineral, oil or gas lands, leases or mineral rights, on the one hand, and a person organized for the purpose of engaging in oil or gas or mineral or metal production or engaged in the business of oil or gas or mineral or metal production, on the other.

(e) Any owner of mineral rights or land, other than oil or gas rights or land, when dealing solely with his said rights or land.

SEC. 2. Section 10514 is added to said code, to read:

Copy of agreement

10514. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase or sell mineral, oil or gas property, or when such licensee secures the signature of any person to any contract pertaining to the sale, purchase, exchange, or leasing of mineral, oil or gas property, he shall deliver a copy of the agreement to the person signing it at the time the signature is obtained.

SEC. 3. Section 10524.7 is added to said code, to read:

Inactive license

10524.7. A licensed mineral, oil and gas broker or salesman may request that his license be inactivated. The commissioner shall thereupon issue to such person an "inactive license certificate." This inactive license certificate may consist of the license itself with an endorsement stating that it is inactive and does not permit the holder to transact business under it.

An inactive license which is not suspended or revoked may be reinstated at any time during the fiscal year for which issued and may be renewed each fiscal year upon the making of application therefor and the payment of the appropriate fee.

The holder of an inactive broker license need not maintain a place of business or a sign as required by Sections 10525 and 10527.

The holder of an inactive license shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

SEC. 4. Section 10525 of said code is amended to read:

10525. Every licensed mineral, oil and gas broker shall have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business. This office shall be the place where his license is displayed and where personal consultations with clients are held. Place of business

No mineral, oil and gas license authorizes the licensee to do business except from the location stipulated in the mineral, oil and gas license.

Notice in writing shall be given the commissioner of change of business location of a mineral, oil and gas broker, whereupon the commissioner shall issue a new mineral, oil and gas license for the unexpired period.

SEC. 5. Section 10587 of said code is amended to read:

10587. The amount of the mineral, oil and gas license fees prescribed for a license under this chapter is that fixed by the following provisions of this article. No part of any fee paid in accordance with the provisions of this chapter is refundable. It is deemed earned by the division upon its receipt. Fees

SEC. 6. Section 10588.5 of said code is amended to read:

10588.5. An original mineral, oil and gas broker's license fee is payable at the time of the filing of an application for an original mineral, oil and gas broker's license. Broker's license fee Payable when

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to qualify for an original mineral, oil and gas broker's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken; provided, however, that as to applications filed with the division prior to October 1, 1953, such lapse shall not occur until October 1, 1956. Examination

SEC. 7. Section 10588.7 of said code is hereby repealed. Repeal

SEC. 8. Section 10593.5 of said code is amended to read:

10593.5. An original mineral, oil and gas salesman's license fee is payable on filing an application for an original mineral, oil and gas salesman's license. Salesman's license fee Payable when

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of five dollars ($5). If an applicant fails to qualify for an original mineral, oil and gas salesman's license within three years from the date of filing his Examination

application, said application shall thereupon lapse and no further proceedings thereon shall be taken; provided, however, that as to applications filed with the division prior to October 1, 1953, such lapse shall not occur until October 1, 1956.

Repeal

SEC. 9. Section 10593.7 of said code is hereby repealed.

CHAPTER 874

An act to amend Sections 10252, 10253, 10254, 10262, 10263, 10285, 10327, 10328.5, 10333.5, of, and to add Sections 10284.7, 10329.5, 10334.5 to, and to repeal Sections 10328.7 and 10333.7 of the Business and Professions Code, relating to business opportunity brokers.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 10252 of the Business and Professions Code is amended to read:

Business opportunity broker

10252. A business opportunity broker within the meaning of this part is a person who, for a compensation, sells or offers for sale, rents, or offers to rent, or collects rent, buys, or offers to buy, lists, leases or offers to lease, or solicits for prospective tenants or purchasers, or negotiates loans on, or negotiates the purchase or sale or the renting, leasing or exchanging of a business, business opportunity, or interest therein, or the good will of an existing business for another or others.

SEC. 2. Section 10253 of said code is amended to read:

Business opportunity salesman

10253. A business opportunity salesman within the meaning of this part is a natural person who for a compensation is employed by a licensed business opportunity broker to sell or offer for sale, to rent, or offer to rent, or collect rent, or to list or offer to list, or to buy or to offer to buy, or to lease or offer to lease, or to solicit for prospective tenants or purchasers, or to negotiate loans on, or to negotiate the purchase or sale or the renting, leasing, or exchanging of a business, business opportunity, or interest therein, or the good will of an existing business.

SEC. 3. Section 10254 of said code is amended to read:

Exclusions

10254. The definitions of a business opportunity broker and a business opportunity salesman as set forth in Sections 10252 and 10253, do not include the following:

(a) Anyone who directly performs any of the acts within the scope of this chapter with reference to his own property or, in case of a corporation which, through its regular officers receiving no special compensation therefor, performs any of the acts with reference to the corporation's own property.

(b) Anyone holding a duly executed power of attorney from the owner.

(c) Services rendered by an attorney at law in performing his duties as such attorney at law.

(d) Any receiver, trustee in bankruptcy, or any person acting under order of any court.

(e) A trustee selling under a deed of trust.

(f) A real estate broker or real estate salesman while acting as such in connection with the sale, lease or exchange of real property or an interest therein when the transfer of a business, business opportunity or good will of an existing business is purely incidental to the sale, lease or exchange of real property.

SEC. 4. Section 10262 of said code is amended to read:

Notice to buyer and seller

10262. Within one month after the closing of a transaction, the business opportunity broker handling the transaction shall inform or cause the information to be given to the seller and purchaser in writing of the selling price. In the exchange of properties, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker.

SEC. 5. Section 10263 of said code is amended to read:

Copy of agreement

10263. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase or sell a business, business opportunity, or interest therein, or the good will of an existing business, or when such licensee secures the signature of any person to any contract pertaining to the sale, purchase, exchange, or leasing of a business opportunity, or interest therein, or the good will of an existing business, he shall deliver a copy of the agreement to the person signing it at the time the signature is obtained

SEC. 6. Section 10284.7 is added to said code, to read:

Inactive license

10284.7. A licensed business opportunity broker or salesman may request that his license be inactivated. The commissioner shall thereupon issue to such person an inactive license certificate. This inactive license certificate may consist of the license itself with an endorsement stating that it is inactive and does not permit the holder to transact business under it.

An inactive license which is not suspended or revoked may be reinstated at any time during the fiscal year for which issued and may be renewed each fiscal year upon the making of application therefor and the payment of the appropriate fee.

The holder of an inactive broker's license need not maintain a place of business or a sign as required by Sections 10285 and 10287.

The holder of an inactive license shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

SEC. 7. Section 10285 of said code is amended to read:

Place of business

10285. Every licensed business opportunity broker shall have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of

business. This office shall be the place where his license is displayed and where personal consultations with clients are held.

No business opportunity license authorizes the licensee to do business except from the location stipulated in the business opportunity license.

Notice in writing shall be given the commissioner of change of business location of a business opportunity broker, whereupon the commissioner shall issue a new business opportunity license for the unexpired period.

SEC. 8. Section 10327 of said code is amended to read:

Fees

10327. The amount of the business opportunity fees prescribed for a license under this chapter is that fixed by the following provisions of this article. No part of any fee paid in accordance with the provisions of this chapter is refundable. It is deemed earned by the division upon its receipt.

SEC. 9. Section 10328.5 of said code is amended to read:

Broker's license fee Payable when

10328.5. The original business opportunity broker's license fee is payable at the time of the filing of an application for an original business opportunity broker's license.

Examination

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of ten dollars ($10). If an applicant fails to qualify for an original business opportunity broker's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken; provided, however, that as to applications filed with the division prior to October 1, 1953, such lapse shall not occur until October 1, 1956.

Repeal

SEC. 10. Section 10328.7 of said code is hereby repealed.

SEC. 11. Section 10329.5 is added to said code, to read:

Amount of broker's license fee

10329.5. The restricted business opportunity broker's license is five dollars ($5).

SEC. 12. Section 10333.5 of said code is amended to read:

Salesman's license fee Payable when

10333.5. An original business opportunity salesman's license fee is payable on filing an application for an original business opportunity salesman's license.

Examination

If the applicant fails to pass the required written examination, he may be permitted to take another examination upon payment of an additional fee of five dollars ($5). If an applicant fails to qualify for an original business opportunity salesman's license within three years from the date of filing his application, said application shall thereupon lapse and no further proceedings thereon shall be taken; provided, however, that as to applications filed with the division prior to October 1, 1953, such lapse shall not occur until October 1, 1956.

Repeal

SEC. 13. Section 10333.7 of said code is hereby repealed.

SEC. 14. Section 10334.5 is added to said code, to read:

Amount of salesman's license fee

10334.5. The restricted business opportunity salesman's license is two dollars ($2).

CHAPTER 875

An act to add Sections 5417.1 to 5417.15, inclusive, Sections 5660.1 to 5660.15, inclusive, and Sections 5408.1 and 5652.1 to, and to amend Sections 5403 and 5660 of, the Public Resources Code, relating to recreation, park and parkway districts and park, recreation and parkway districts.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5417.1 is added to the Public Resources Code, to read:

5417.1. The governing body may, and upon petition signed by not less than 25 percent of the registered voters in the district shall, by resolution call a special election therein upon the question whether bonds of the district shall be issued and sold for the purpose of raising money for one or more of the following purposes of the district.

Bond election Resolution

(a) The acquisition of land, rights of way, easements, water rights, or other rights in real property.

(b) The purchase, construction, furnishing, or equipping of buildings or other facilities.

(c) The making of alterations, repairs, or additions to buildings or other facilities.

Any one or more of the purposes enumerated may be united and voted upon as one single proposition.

SEC. 2. Section 5417.2 is added to the Public Resources Code, to read:

5417.2. The resolution shall fix the date on which the election shall be held, the manner of holding and conducting it, the form of the ballot to be used, and the manner of voting for or against the proposition to be submitted. The resolution shall also recite the purposes for which the bonds are to be issued and sold, the amount of the bonds and the denominations thereof, the rate of interest, not to exceed 6 percent per annum, the number of years, not to exceed 20, which the bonds or any part thereof are to run, and shall set forth the proposition to be submitted to the voters.

For the purposes of the election, the governing body shall, in the said resolution, except as otherwise provided by law, establish one or more precincts within the boundaries of the district, and designate polling places and appoint officers to conduct the election in each precinct.

Precincts

In all particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county.

General election laws

SEC. 3. Section 5417.3 is added to the Public Resources Code, to read:

5417.3. The resolution ordering the holding of the election shall be published once a week for two weeks prior to said elec-

Publication of resolution

tion in a newspaper designated by the board of supervisors as being most likely to give notice to the inhabitants of the district, and shall be posted in at least three public places in the district not less than 10 days prior to the date set for the election. No other notice of the election need be given.

SEC. 4. Section 5417.4 is added to the Public Resources Code, to read:

Consolidated election

5417.4. If the election is consolidated with any other election, the resolution and notice need not set forth the precincts, polling places, or the names of the officers appointed to conduct the election, but may instead state that the precincts, polling places, and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution or notice calling, providing for or giving notice of such other election, and reference shall be made to such ordinance, order, resolution or notice by number and time or date of adoption, or by date or proposed date of publication and the name of the newspaper in which publication has been or will be made, or by any other definite description.

SEC. 5. Section 5417.5 is added to the Public Resources Code, to read:

Bond issue

5417.5. If at the election two-thirds of the votes cast upon the proposition are in favor of the bonded indebtedness, then the governing body shall enter an order to that effect upon its minutes, and shall thereupon be authorized and empowered to issue bonds of said district for the amount voted.

SEC. 6. Section 5417.6 is added to the Public Resources Code, to read:

Disposition of proceeds

5417.6 The governing body may issue and sell the bonds of the district, when authorized, at not less than par value, and the proceeds of the sale shall be placed in the county treasury to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the resolution ordering the holding of the bond election.

SEC. 7. Section 5417.7 is added to the Public Resources Code, to read:

Manner of payment

5417.7. Subject to the provisions of this article, the governing body by an order entered upon its minutes shall prescribe the form of bonds issued and of the interest coupons attached thereto, and shall designate an amount, not less than one-twentieth of the whole amount of the indebtedness, which shall be paid annually at a fixed time and place, together with the interest on all sums unpaid. The board may determine and fix a date for the earliest maturity of the principal of the bonds not more than five years from the date of issue thereof, but, in this event, the whole amount of the indebtedness must be made payable in equal annual parts in not to exceed 20 years from the time of contracting the same.

SEC. 8. Section 5417.8 is added to the Public Resources Code, to read:

5417.8. The bonds shall be issued in such denominations as the governing body may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor greater than one thousand dollars ($1,000). The bonds shall not bear a rate of interest greater than 6 percent per annum, payable annually or semiannually, and the number of years the whole or any part of the bonds is to run shall not exceed 20 years. Denominations, interest, etc.

SEC. 9. Section 5417.9 is added to the Public Resources Code, to read:

5417.9. The bonds shall be signed by the chairman of the governing board, and countersigned by the auditor of the county. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the county by his printed, engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be an officer before the delivery of the bonds to the purchaser, the signature or countersignature shall be valid and sufficient for all purposes the same as if the officer remained in office until the delivery of the bonds. Signatures

SEC. 10. Section 5417.10 is added to the Public Resources Code, to read:

5417.10. The principal and interest on the bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of the county. Payment

SEC. 11 Section 5417.11 is added to the Public Resources Code, to read:

5417.11. All expense incurred for the preparation, sale, and delivery of the bonds is a legal charge against the funds of the recreation, park and parkway district issuing the bonds. Expenses

SEC. 12. Section 5417.12 is added to the Public Resources Code, to read:

5417.12. No error, irregularity, or omission which does not affect the substantial rights of the taxpayers within the district or the voters voting at any election at which bonds are authorized to be issued shall invalidate the election or any bonds authorized. Validity

SEC. 13. Section 5417.13 is added to the Public Resources Code, to read:

5417.13. As soon as the governing body authorizes the issuance and sale of bonds pursuant to this article, it, or any other interested person, may, in order to determine that the bonds are, or will be when sold, a legal obligation of the district, institute a proceeding in the superior court of the county in which the district was organized. The complaint shall set forth: Court proceeding

(a) That on a specified date, bonds of the district were authorized by the board to be issued and sold.

(b) Sufficient details to identify the bonds.

(c) The amount of the bonds.

(d) A prayer that the bonds be adjudged a valid legal obligation of the district.

The summons in the proceeding shall be in such form as the court may direct and shall be served by publishing a copy Summons

thereof once a week for four weeks in some newspaper of general circulation published in the county.

Answer

Within 30 days after the last publication is completed and proof of publication has been filed with the court, any person interested may appear and answer the complaint. The answer shall set forth the facts relied upon to show the invalidity of the bonds.

If no answer is filed within the time, the court shall render judgment decreeing the validity of the bonds. If an answer is filed the court shall proceed as in other civil cases.

Judgment in rem

The proceeding is in rem and the judgment rendered shall be conclusive against all persons and against the State of California.

SEC. 14. Section 5417.14 is added to the Public Resources Code, to read:

Annual tax levy

5417.14 The board of supervisors shall levy a tax, each year, upon the taxable property in the district, sufficient to pay the interest on the bonds as it becomes due and also such portion of the principal as is to become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of the principal. If the maturity of the indebtedness created by the issue of the bonds is made to begin more than one year after the date of issue, the tax shall not be less than sufficient to pay the interest on the indebtedness as it falls due and to provide a sinking fund for the payment of the principal on or before maturity. All taxes levied pursuant to this section shall be in addition to all other taxes levied for district purposes, and shall be levied and collected at the time and in the same manner as general county taxes levied for general county purposes, and when collected shall be paid into the treasury of the district to be used for the payment of the principal and interest on the bonds and for no other purpose.

SEC. 15. Section 5417.15 is added to the Public Resources Code, to read:

Exclusion of territory, etc. Liability for indebtedness

5417.15. No exclusion of territory from, or dissolution of, a district shall release said territory or said district from liability for any outstanding bonded or other indebtedness of the district for which it is liable at the time of such exclusion or dissolution, and taxes for the payment of such bonded or other indebtedness shall be levied and collected therein the same as if such exclusion or dissolution had not taken place.

SEC. 16. Section 5403 of the Public Resources Code is amended to read:

Determination to form district

5403. The governing body of any city or county may determine that the city or portion thereof, or a portion of the unincorporated area of the county, respectively, is in need of parks, recreation grounds, and parkway planting and that it should be formed into a district.

Tax ceiling

The governing body may also determine whether a tax ceiling may be provided for such district, and if so provided, that the tax ceiling may be changed from time to time by a majority of the voters at an election called upon petition of 1 percent of the

qualified electors, but such tax ceiling shall not at any time exceed twenty-five cents ($0.25) per one hundred dollars ($100) of assessed valuation of the taxable property in the district. The tax ceiling shall apply only to taxes other than taxes for the payment of principal and interest of bonds of the district, and shall not limit in any way the power and duty of the governing body to levy a tax pursuant to Section 5417 14.

SEC. 17. Section 5408.1 is added to the Public Resources Code, to read:

Election to form district Bonds

5408 1. The question whether bonds of the district shall be issued and sold in the manner provided in and subject to the provisions of Sections 5417.1 to 5417.15, inclusive, may be submitted to the voters of a proposed district at the formation election. In such case, the governing body may order the respective resolutions and notices to be consolidated into one resolution and one notice; provided, that the requirements of this article with respect to the proceedings for the formation of the district and with respect to the proceedings for the issuance of bonds of the district shall be complied with. The question of the issuance of said bonds shall be voted upon as a separate proposition from any other proposition submitted at said election. Two-thirds vote of approval upon the proposition to issue said bonds shall in no event be effective for any purpose unless and until the district is established; but the lack of a two-thirds vote of approval upon the proposition to issue said bonds shall in no way affect the formation of the proposed district.

SEC. 18. Section 5660 of the Public Resources Code is amended to read:

Special tax levy

5660. Thereupon, the board of supervisors shall levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district. The tax shall in no case exceed the rate of fifty cents ($0.50) on each one hundred dollars ($100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property The tax ceiling shall apply only to taxes other than taxes for the payment of principal and interest of bonds of the district, and shall not limit in any way the power and duty of the governing body to levy a tax pursuant to Section 5660.14. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. All money so collected shall be paid into the county treasury to the credit of the particular district fund and shall be paid out on the order of the district board, signed by its president and secretary

SEC. 19. Section 5660 1 is added to the Public Resources Code, to read:

Special bond election Resolution

5660 1. The board of trustees may, and upon petition signed by not less than 25 percent of the registered voters in the district shall, by resolution call a special election therein upon the question whether bonds of the district shall be issued and sold for the purpose of raising money for one or more of the following purposes of the district.

(a) The acquisition of land, rights of way, easements, water rights, or other rights in real property.

(b) The purchase, construction, furnishing, or equipping of buildings or other facilities.

(c) The making of alterations, repairs, or additions to buildings or other facilities.

Any one or more of the purposes enumerated may be united and voted upon as one single proposition.

SEC. 20. Section 5660.2 is added to the Public Resources Code, to read:

5660.2. The resolution shall fix the date on which the election shall be held, the manner of holding and conducting it, the form of the ballot to be used, and the manner of voting for or against the proposition to be submitted. The resolution shall also recite the purposes for which the bonds are to be issued and sold, the amount of the bonds and the denominations thereof, the rate of interest, not to exceed 6 percent per annum, the number of years, not to exceed 20, which the bonds or any part thereof are to run, and shall set forth the proposition to be submitted to the voters.

Precincts

For the purposes of the election, the board of trustees shall, in the said resolution, except as otherwise provided by law, establish one or more precincts within the boundaries of the district, and designate polling places and appoint officers to conduct the election in each precinct.

General election laws

In all particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county.

SEC. 21. Section 5660 3 is added to the Public Resources Code, to read:

Publication of resolution

5660.3. The resolution ordering the holding of the election shall be published once a week for two weeks prior to said election in a newspaper designated by the board of supervisors as being most likely to give notice to the inhabitants of the district, and shall be posted in at least three public places in the district not less than 10 days prior to the date set for the election. No other notice of the election need be given.

SEC. 22. Section 5660.4 is added to the Public Resources Code, to read:

Consolidated election

5660.4. If the election is consolidated with any other election, the resolution and notice need not set forth the precincts, polling places, or the names of the officers appointed to conduct the election, but may instead state that the precincts, polling places, and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution or notice calling, providing for or giving notice of such other election, and reference shall be made to such ordinance, order, resolution or notice by number and time or date of adoption, or by date or proposed date of publication and the name of the newspaper in which publication has been or will be made, or by any other definite description.

SEC. 23. Section 5660.5 is added to the Public Resources Code, to read:

5660.5. If at the election two-thirds of the votes cast upon the proposition are in favor of the bonded indebtedness, then the board of trustees shall enter an order to that effect upon its minutes, and shall thereupon be authorized and empowered to issue bonds of said district for the amount voted.

Bond issue

SEC. 24. Section 5660.6 is added to the Public Resources Code, to read:

5660.6. The board of trustees may issue and sell the bonds of the district, when authorized, at not less than par value, and the proceeds of the sale shall be placed in the county treasury to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the resolution ordering the holding of the bond election.

Disposition of proceeds

SEC. 25. Section 5660.7 is added to the Public Resources Code, to read:

5660.7. Subject to the provisions of this article, the board of trustees by an order entered upon its minutes shall prescribe the form of bonds issued and of the interest coupons attached thereto, and shall designate an amount, not less than one-twentieth of the whole amount of the indebtedness, which shall be paid annually at a fixed time and place, together with the interest on all sums unpaid. The board may determine and fix a date for the earliest maturity of the principal of the bonds not more than five years from the date of issue thereof, but, in this event, the whole amount of the indebtedness must be made payable in equal annual parts in not to exceed 20 years from the time of contracting the same.

Manner of payment

SEC. 26. Section 5660.8 is added to the Public Resources Code, to read:

5660.8. The bonds shall be issued in such denominations as the board of trustees may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor greater than one thousand dollars ($1,000). The bonds shall not bear a rate of interest greater than 6 percent per annum, payable annually or semiannually, and the number of years the whole or any part of the bonds are to run shall not exceed 20 years.

Denominations, interest, etc.

SEC. 27. Section 5660.9 is added to the Public Resources Code, to read:

5660.9. The bonds shall be signed by the chairman of the board of trustees, and countersigned by the auditor of the county. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the county by his printed, engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be an officer before the delivery of the bonds to the purchaser, the signature or countersignature shall be valid and sufficient for all purposes the same as if the officer remained in office until the delivery of the bonds.

Signatures

SEC. 28. Section 5660.10 is added to the Public Resources Code, to read:

Payment

5660.10. The principal and interest on the bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of the county.

SEC. 29. Section 5660.11 is added to the Public Resources Code, to read:

Expenses

5660.11. All expense incurred for the preparation, sale, and delivery of the bonds is a legal charge against the funds of the park, recreation and parkway district issuing the bonds.

SEC. 30. Section 5660.12 is added to the Public Resources Code, to read:

Validity

5660.12. No error, irregularity, or omission which does not affect the substantial rights of the taxpayers within the district or the voters voting at any election at which bonds are authorized to be issued shall invalidate the election or any bonds authorized.

SEC. 31. Section 5660.13 is added to the Public Resources Code, to read:

Court proceeding

5660.13. As soon as the board of trustees authorizes the issuance and sale of bonds pursuant to this article, it, or any other interested person, may, in order to determine that the bonds are, or will be when sold, a legal obligation of the district, institute a proceeding in the superior court of the county in which the district was organized. The complaint shall set forth:

(a) That on a specified date, bonds of the district were authorized by the board to be issued and sold.

(b) Sufficient details to identify the bonds.

(c) The amount of the bonds.

(d) A prayer that the bonds be adjudged a valid legal obligation of the district.

Summons

The summons in the proceeding shall be in such form as the court may direct and shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in the county.

Answer

Within 30 days after the last publication is completed and proof of publication has been filed with the court, any person interested may appear and answer the complaint. The answer shall set forth the facts relied upon to show the invalidity of the bonds.

If no answer is filed within the time, the court shall render judgment decreeing the validity of the bonds. If an answer is filed the court shall proceed as in other civil cases.

Judgment in rem

The proceeding is in rem and the judgment rendered shall be conclusive against all persons and against the State of California.

SEC. 32. Section 5660.14 is added to the Public Resources Code, to read:

Annual tax levy

5660.14. The board of supervisors shall levy a tax, each year, upon the taxable property in the district, sufficient to pay the

interest on the bonds as it becomes due and also such portion of the principal as is to become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of the principal. If the maturity of the indebtedness created by the issue of the bonds is made to begin more than one year after the date of issue, the tax shall not be less than sufficient to pay the interest on the indebtedness as it falls due and to provide a sinking fund for the payment of the principal on or before maturity. All taxes levied pursuant to this section shall be in addition to all other taxes levied for district purposes, and shall be levied and collected at the time and in the same manner as general county taxes levied for general county purposes, and when collected shall be paid into the treasury of the district to be used for the payment of the principal and interest on the bonds and for no other purpose.

SEC. 33. Section 5660.15 is added to the Public Resources Code, to read:

Exclusion of territory, etc Liability for indebtedness

5660.15. No exclusion of territory from, or dissolution of, a district shall release said territory or said district from liability for any outstanding bonded or other indebtedness of the district for which it is liable at the time of such exclusion or dissolution, and taxes for the payment of such bonded or other indebtedness shall be levied and collected therein the same as if such exclusion or dissolution had not taken place.

SEC. 34. Section 5652.1 is added to the Public Resources Code, to read:

Election to form district. Bonds

5652.1. The question whether bonds of the district shall be issued and sold in the manner provided in and subject to the provisions of Sections 5660.1 to 5660.15, inclusive, may be submitted to the voters of a proposed district at the formation election. In such case, the board of supervisors may order the respective resolutions and notices to be consolidated into one resolution and one notice; provided, that the requirements of this article with respect to the proceedings for the formation of the district and with respect to the proceedings for the issuance of bonds of the district shall be complied with. The question of the issuance of said bonds shall be voted upon as a separate proposition from any other proposition submitted at said election. A two-thirds vote of approval upon the proposition to issue said bonds shall in no event be effective for any purpose unless and until the district is established; but the lack of a two-thirds vote of approval upon the proposition to issue said bonds shall in no way affect the formation of the proposed district.

CHAPTER 876

An act to amend Section 20022 of, and to add Sections 20167, 20810 and 21025.5 to, the Government Code, relating to the State Employees' Retirement System in respect to time during which a member is excused from working.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 20022 of the Government Code is amended to read:

"Compensation"

20022. "Compensation" means the remuneration paid in cash out of funds controlled by the State, the university or contracting agency, plus the monetary value, as determined by the board of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished a member by his employer in payment for his services or for time during which the member is excused from work because of holidays, sick leave, vacation, compensating time off, or leave of absence.

SEC. 2. Section 20810 is added to said code, to read:

Service

20810. In computing the service with which a member is entitled to be credited under this part, time during which the member is excused from working because of holidays, sick leave, vacation, or leave of absence, with compensation, shall be included.

SEC. 3. Section 21025.5 is added to said code, to read:

Retirement for disability during leave of absence

21025.5. Notwithstanding any other provision of this article, the retirement for disability of a member who has been granted or is entitled to a leave of absence with compensation, shall not become effective prior to the expiration of such leave of absence with compensation, unless the member applies for or consents to his retirement as of an earlier date.

SEC. 4. Section 20167 is added to said code, to read:

Retroactive

20167. All computations, payments, and other acts heretofore made or done by the board or its officers and employees which would be valid if Sections 20022 and 20810, as the said sections exist on the effective date of this section, had been in effect at the time such computations, payments, and other acts were made or done are hereby ratified, confirmed, and validated.

CHAPTER 877

An act to add Sections 64, 103 and 104 to the Labor Code, relating to reciprocal agreements with other states for collection of wages.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 64 is added to the Labor Code, to read:

64. The director may enter into reciprocal agreements with the labor department or corresponding agency of any other state or with the person, board, officer or commission authorized to act for and on behalf of such department or agency, for the collection in such other state of claims or judgments for wages and other demands based upon claims previously assigned to the Division of Labor Law Enforcement. Reciprocal agreements

SEC. 2. Section 103 is added to said code, to read:

103. The division may, to the extent provided for by any reciprocal agreement entered into pursuant to Section 64 of this code, or by the laws of any other state, maintain actions in the courts of such other state for the collection of such claims for wages, judgments and other demands and may assign such claims, judgments and demands to the labor department or agency of such other state for collection to the extent that the same may be permitted or provided for by the laws of such state or by reciprocal agreement. Actions in other states

SEC. 3. Section 104 is added to said code, to read:

104. The division may, upon the written request of the labor department or other corresponding agency of any other state or of any person, board, officer or commission of such state authorized to act for and on behalf of such labor department or corresponding agency, maintain actions in the courts of this State upon assigned claims for wages, judgments and demands arising in such other state in the same manner and to the same extent that such actions by the division are authorized when arising in this State; provided, however, that such actions may be commenced and maintained only in those cases where such other state by appropriate legislation or by reciprocal agreement extends a like comity to cases arising in this State. Actions on claims assigned from other states

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CHAPTER 878

An act to amend Section 43068 of the Government Code, relating to municipal park and recreation facilities.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 43068 of the Government Code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1) on each one hundred dollars ($100), exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs Maximum annual property tax

of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of this code, Section 5304 of the Public Resources Code and Section 22241 of the Education Code.

CHAPTER 879

An act to amend Sections 50601, 51382, 51501 and 51513 of, and to add Sections 50757, 50758, 50759 and 51522 to, the Water Code, relating to reclamation districts.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 50601 of the Water Code is amended to read:

Trustees

50601. The by-laws of a district may provide, or be amended to provide, for a board of five or seven members, and, if the original by-laws so provide, five or seven eligible persons respectively shall be elected as trustees at each election, or, if the by-laws are amended, then five or seven eligible persons shall be elected at the next district election held subsequent to the date of amendment, and at each election held thereafter.

SEC. 2. Section 50757 is added to said code, to read:

Voters: False statements

50757. Any person who knowingly makes an untrue statement in establishing his right to vote in a district election shall incur all of the penalties provided in the Elections Code for persons illegally voting at elections.

SEC. 3. Section 50758 is added to said code, to read:

Property ownership

50758. If the ownership of any property in the district is changed after the making of the next preceding tax roll for the county wherein the property is situated, the owner thereof may vote at a district election upon the production of evidence of ownership of such property.

SEC. 4. Section 50759 is added to said code, to read:

Vote by proxy

50759. No person shall vote by proxy at a district election unless authority to vote is evidenced by an instrument in writing acknowledged and certified in the same manner as grants of real property and filed with the election board.

SEC. 5. Section 51382 of said code is amended to read:

Additional assessments

51382. A new assessment or subsequent reassessment shall be made by assessment commissioners appointed by the board of supervisors as provided in Section 51230, and shall be made, approved, and collected in the same manner as an original assessment.

SEC. 6. Section 51501 of said code is amended to read:

"Warrant interest fund"

51501. All interest paid on any unbonded assessment shall be deposited with the county treasurer in the "warrant interest

fund" and be used only for the payment of interest on warrants unless the board requests the county treasurer to transfer all or a part of the fund to the general fund or maintenance fund of the district.

SEC. 7. Section 51513 of said code is amended to read:

51513. When the district is situated in more than one county the county treasurers of each county wherein any of the lands assessed are situated shall report to the county treasurer of the principal county all payments of assessments on all parcels, whether in cash or warrants, immediately upon such payments being made and shall effect immediate transfer of all funds and warrants so paid to the treasurer of the principal county. Assessment payments

SEC. 8. Section 51522 is added to said code, to read:

51522. All money, including interest and penalties, derived by sale or otherwise, from original and additional assessments shall be placed by the county treasurer of the principal county to the credit of the general fund of the district or, if bonds of the district have been issued upon the assessment and remain unpaid and provision has not been made for the payment thereof, shall be deposited in a separate fund for the sole purpose of paying the principal and interest of the bonds and the expenses of the county treasurer. Disposition of proceeds

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CHAPTER 880

An act to amend Section 19441 of, and to add Section 19442 to, the Education Code, relating to applications for the use of school property.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 19441 of the Education Code is amended to read:

19441. No governing board of a school district shall grant the use of any school property to any person or organization for any use in violation of Section 19440. Use of school property

For the purpose of determination by such governing board whether or not any individual, society, group or organization applying for the use of such school property intends to violate Section 19440, the governing board shall require the making and delivery to such governing board, by such applicant of a written statement of information in the following form: Written statement of information

STATEMENT OF INFORMATION

The undersigned states that, to the best of his knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to

further any program or movement the purpose of which is to accomplish the overthrow of the Government of the United States by force, violence or other unlawful means:

That _____, the organization on whose behalf he is making application for use of school property, does not, to the best of his knowledge, advocate the overthrow of the Government of the United States or of the State of California by force, violence, or other unlawful means, and that, to the best of his knowledge, it is not a communist-action organization or communist-front organization required by law to be registered with the Attorney General of the United States. This statement is made under the penalties of perjury.

_____
(Signature)

The school board may require the furnishing of such additional information as it deems necessary to make the determination that the use of school property for which application is made would not violate Section 19440 of the Education Code.

Written authorization necessary

Any person applying for the use of school property on behalf of any society, group or organization shall be a member of such applicant group and, unless he is an officer of such group, must present written authorization from such applicant group to make such application.

Effectiveness of statements Time

The governing board of any school district may, in its discretion, consider any statement of information or written authorization made pursuant to the requirements of this section as being continuing in effect for the purposes of this section for the period of one year from the date of such statement of information or written authorization.

SEC. 2. Section 19442 is added to said code, to read:

Perjury

19442. Written statements of information as required by Section 19441 need not be under oath, but shall contain a written declaration that they are made under the penalties of perjury, and any person so signing such statements who wilfully states therein as true any material matter which he knows to be false, is subject to the penalties prescribed for perjury in the Penal Code of this State.

CHAPTER 881

An act to amend Section 1688 of the Labor Code, relating to licensing of farm labor contractors.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1688 of the Labor Code is amended to read:

1688. Each license shall run to and include the thirty-first day of December next following the date thereof unless sooner revoked by the Labor Commissioner and may be renewed each year upon the filing of an application for renewal, a renewed bond, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application and a bond be submitted.

License: Duration, renewal, etc.

Where the surety intends to cancel a bond, notice of such cancellation shall be furnished by the surety to the Labor Commissioner prior to the effective date of such cancellation.

Cancellation of surety bond

SEC. 2. This provision of this act shall become operative on January 1, 1954, it being the intention of the Legislature that all licenses issued on and after that date shall expire on December 31, 1954, and on the thirty-first day of December of each subsequent year. Licenses in existence on December 31, 1953, need not be renewed until April 1, 1954, but such licenses shall expire on December 31, 1954.

Operative date

CHAPTER 882

An act to amend Section 3431 and to repeal Section 3432.1 of, and to add Section 3431.1 to, the Welfare and Institutions Code, relating to the residence requirements for aid to the partially self-supporting blind residents.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 3431 of the Welfare and Institutions Code is amended to read:

3431. No person who became blind while he was a nonresident of the State, is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age and unless, except as provided in Section 3432, he has been a resident of the county in which his application is filed, for a period of one year immediately preceding the filing of his application and a resident of the State for a period of 10 years immediately preceding the filing of his application.

Residence requirements

SEC. 2. Section 3432.1 of said code is repealed.

Repeal

SEC. 3. Section 3431.1 is added to said code, to read:

3431.1. During such times as the residence requirements of Section 3043 are in effect with respect to Chapter 1 of this division, aid shall be granted under provision of this chapter to any person otherwise eligible 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 such application.

CHAPTER 883

An act to amend Section 80 of, to repeal Section 80.5 of, and to add Section 92.1 to, the Agricultural Code, relating to district and county agricultural fairs.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 80 of the Agricultural Code is amended to read:

Agricultural districts

80. The several counties of this State constitute agricultural districts numbered as follows:

District 1. The County of Alameda.

District 1a. The City and County of San Francisco and the County of San Mateo.

District 2. The County of San Joaquin.

District 3. The County of Butte.

District 4. The Counties of Sonoma and Marin.

District 6. All that portion of Los Angeles County not included in Agricultural District Number 48, Agricultural District Number 50 and Agricultural District 51.

District 7. The County of Monterey.

District 9. The County of Humboldt.

District 10. That portion of the County of Siskiyou not included in District 10a.

District 10a. All that portion of Siskiyou and Modoc Counties described as follows:

Beginning at the intersection of west longitude 122 degrees 10 minutes with the Oregon-California boundary line, thence southerly along said line of longitude to north latitude 41 degrees 30 minutes, thence easterly along said line of latitude to the point where it intersects west longitude 121 degrees 10 minutes, thence northerly along said line of longitude to the Oregon state line, thence westerly along said state line to the point of beginning.

District 12. The County of Mendocino.

District 13. The Counties of Sutter and Yuba.

District 14. The County of Santa Cruz.

District 15. The County of Kern.

District 16. The County of San Luis Obispo.

District 17. The County of Nevada.

District 18. The Counties of Mono, Inyo, and Alpine.

District 19. All that portion of Santa Barbara County lying east of Gaviota and south of the Santa Ynez Mountains.

District 20. The County of Placer.

District 21. The County of Fresno.

District 21a. The County of Madera.

District 22. The County of San Diego.

District 23. The County of Contra Costa.

District 24. The County of Tulare.

District 24a. The County of Kings.
District 25. The County of Napa.
District 26. The County of Amador.
District 27. The County of Shasta.
District 28. The County of San Bernardino.
District 29. The County of Tuolumne.
District 30. The County of Tehama.
District 31. The County of Ventura.
District 32. The County of Orange.
District 33. The County of San Benito.
District 34. That portion of the County of Modoc not included in District 10a.
District 35. The County of Merced.
District 35a. The County of Mariposa.
District 36. The County of Solano.
District 37. All that portion of Santa Barbara County not included in Agricultural District Number 19. Same
District 38. The County of Stanislaus.
District 39. The County of Calaveras.
District 40. The County of Yolo.
District 41. The County of Del Norte.
District 42. The County of Glenn.
District 44. The County of Colusa.
District 45. The County of Imperial.
District 46. The County of Riverside.
District 48. All that portion of Los Angeles County described as follows:

Beginning at the intersection of a southerly extension of the east line of Avalon Boulevard with the Pacific Ocean, proceed north to the east line of Avalon Boulevard; thence north along the east line of Avalon Boulevard to its intersection with the south line of Slauson Avenue; thence west along the south line of Slauson Avenue to La Brea Boulevard; thence north along west line of La Brea Boulevard to north line of Exposition Boulevard; thence east along north line of Exposition Boulevard to west line of Crenshaw Boulevard; thence south along the west line of Crenshaw Boulevard to south line of Vernon Avenue; thence east along south line of Vernon Avenue to Main Street; thence north along the west line of Main Street to the north line of Valley Boulevard; thence east along the north line of Valley Boulevard to the east line of San Gabriel Boulevard; thence south along the east line of San Gabriel Boulevard to the north line of Whittier Boulevard; thence east along the north line of Whittier Boulevard to the Orange county line; thence south along the Orange county line to its intersection with the Pacific Ocean; thence west along the Pacific Coast to point of beginning.

District 49. The County of Lake.
District 50. All that portion of Los Angeles County lying north of the south line of Township 5 North, San Bernardino base.

District 51. All that portion of Los Angeles County described as Assembly Districts 41 and 42 in subdivisions 41 and 42 of Section 491 of the Government Code as enacted by Chapter 134 of the Statutes of California, Fifty-fifth Regular Session, excepting therefrom any portion of the area so described lying in Agricultural District 50, all of the City of Burbank, and that portion of Assembly District 42 lying east of a line extended south from the center of the south line of T. 3 N., R. 14 W., S. B. B. & M.

District 52. The County of Sacramento.

Repeal

SEC. 2. Section 80.5 of said code is hereby repealed.

SEC. 3. Section 92.1 is added to said code, to read:

County fairs

92.1. Whenever a district agricultural association fair is conducted in any county of the State, no county fair, except those already participating in allocations under that section, shall, after the effective date of this act, be paid any allocation out of the Fairs and Expositions Fund under Section 92 of the Agricultural Code.

CHAPTER 884

An act to amend Sections 5010, 5508, 6001, 6511, 6512, 6513, 6560, 6561, 7205, 7410, 7651, 7900, 8706 and 8707, of the Financial Code, relating to savings and loan associations and the administration of the law with respect thereto.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5010 of the Financial Code is amended to read:

Filing of forms

5010. At least 10 days before issuing any stock, shares, investment certificates, or borrowers' membership certificates, each association shall file in the office of the commissioner copies of the forms of such instruments which have not been previously approved by the commissioner. If the commissioner within such period of 10 days notifies the association in writing that any form is unauthorized and states the reason therefor, the association shall not thereafter use such form. Any form of stock, shares, investment certificates, or membership certificate may be used without delay if such form has been approved by the commissioner.

SEC. 2. Section 5508 of said code is amended to read:

Application fee

5508. A filing fee of two hundred fifty dollars ($250) shall be paid to the commissioner with each application for approval of proposed articles of incorporation.

SEC. 3. Section 6001 of said code is amended to read:

Branch license

6001. The application for a branch license shall be accompanied by a filing fee of two hundred fifty dollars ($250), shall be in such form as the commissioner requires, and shall include

an itemized statement of the estimated receipts and expenditures of the association in connection with such branch for the first year or such longer period as the commissioner requires, and a showing that the public convenience and advantage will be promoted by the operation of such branch.

SEC. 4. Section 6511 of said code is amended to read:

Retirement of shares

6511. The directors may, under the regulations prescribed by the by-laws, retire any shares by enforcing the withdrawal of the shares. If the withdrawal of any shares is to be enforced, the holders of such shares shall be given 30 days' notice and be paid the amount actually paid in plus the full amount of dividends applicable thereto to the date of retirement. The notice shall expressly state that dividends cease on the date fixed for retirement. The aggregate amount required to be paid by this section is denominated the retirement price.

SEC. 5. Section 6512 of said code is amended to read:

Dividends

6512. If the date fixed for the retirement of any shares is not a date on which dividends are to be paid or credited, the amount of dividends applicable thereto from the last date of apportionment shall be prorated and shall be based on the rate of return for the current period if such rate has been determined. If the rate has not been determined for the current period, the amount shall be based on the rate of return determined for the latest previous period for which such rate was determined.

SEC. 6. Section 6513 of said code is amended to read:

Surrender of certificate.

6513. On or after the date fixed for retirement of free shares as stated in the notice of retirement, each holder of shares to be retired shall surrender to the association, properly endorsed, his certificate evidencing such shares and shall then be entitled to receive payment of the retirement price of such shares, and if a certificate is retired in part, to receive a new certificate representing the unretired part thereof. On or as of the date fixed for retirement of pledged shares as stated in the notice of retirement, the certificate evidencing the shares to be retired shall be canceled and the association shall either pay the retirement price of such shares to the holder thereof or shall credit such retirement price on the loan for which they are pledged as security. If a certificate is retired in part, a new certificate shall be issued representing the unretired part thereof, and such unretired part shall be subject to the same pledge as the shares represented by the canceled certificate.

SEC. 7. Section 6560 of said code is amended to read:

Interest

6560. Upon the withdrawal of any sum evidenced by any investment certificate issued after August 14, 1931, other than an investment certificate issued to a bank, no interest shall be paid upon any sum which is received by the association on account of such certificate within six months prior to such withdrawal, except that interest may be paid in respect of sums received on installment investment certificates within six months prior to the date of the final payment which the holder is obligated to make thereon. All investment certificates issued after

August 14, 1931, shall expressly state the limitation upon the holder's right to interest, as provided by this section. Nothing in this section requires an association, in paying a withdrawal, to make any deduction for interest which it has paid or credited on any investment certificate on any date when it regularly pays or credits such interest, provided such dates of payment or credit as to any particular investment certificate are not more frequent than quarterly and provided the association's by-laws state that such deduction shall not be made

SEC. 8. Section 6561 of said code is amended to read:

Order of withdrawals

6561. If only a part of the sum evidenced by an investment certificate is withdrawn, the sum withdrawn is deemed to be that first received by the association unless otherwise agreed between the certificate holder and the association at or prior to the time of such withdrawal. Sums received by an association within the first 10 days of any calendar month may, at the option of the association, be deemed for the purpose of Section 6560 to have been received by such association on the first day of such month.

SEC. 9. Section 7205 of said code is amended to read:

Veterans' loans

7205. If the whole or any portion of a loan made by an association is guaranteed or insured by the Administrator of Veterans' Affairs under Title 3 of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, such loan may be made on any terms, plans, practices, or procedures authorized or required by the Administrator of Veterans' Affairs, if such terms, plans, practices, or procedures meet the requirements of the commissioner as affording reasonable protection to associations and investors.

SEC. 10. Section 7410 of said code is amended to read:

Dividends

7410. The directors of any association issuing stock and not issuing installment shares may make, declare, and pay dividends on the stock of as much of the surplus profits as appears advisable to the directors. Such dividends are subject to all the restrictions of this part on the declaration or payment of dividends.

SEC. 11. Section 7651 of said code is amended to read:

Election of directors

7651. Associations authorized by their articles of incorporation or by-laws to issue shares or borrowers' memberships or both, and which also issue stock, may provide in their articles of incorporation or by-laws that a majority of the board of directors shall be elected by the stockholders.

SEC. 12. Section 7900 of said code is amended to read:

Borrowers' membership associations

7900. Any association may provide in its by-laws that every person holding a certificate of membership as a borrower from such association shall be a member of the association. An association having such provision in its by-laws is referred to in this section as a borrowers' membership association. Any applicant for a loan from a borrowers' membership association may be permitted to become a member of such association by filing an application for membership with the association before or at the time of the filing of his loan application, and, if accepted by such association as a member, shall be issued a borrowers' membership

certificate. Any person whose property secures a loan or who is obligated on a loan which is to be acquired or which is held by a borrowers' membership association shall become a member of such association upon the issuance to him of a borrowers' membership certificate, and any person whose property secures or who is obligated on any such loan, all of whose pledged shares are purchased or retired by such association, shall remain a member and the association shall issue to him a borrowers' membership certificate.

SEC. 13. Section 8706 of said code is amended to read:

Reserve or surplus account

8706. Any association by resolution of its board of directors may irrevocably establish all or any part of any reserve or surplus account for the sole purpose of absorbing losses. If prior to the adoption of such resolution the reserve or surplus account so established for the sole purpose of absorbing losses was available for the purpose, either solely or among other things, of absorbing losses, and such reserve or surplus account constituted all or a part of, or counted toward, the loan reserve, the bad debt reserve, the stock surplus, or any other reserve or surplus account required by or referred to in this part, then such reserve or surplus account excepting such part as is absorbed by losses, shall continue to constitute all or a part of, or to be counted toward, such reserve or surplus account required by or referred to in this part.

SEC. 14. Section 8707 of said code is amended to read:

Annual report

8707. Each association shall make a full report in writing to the commissioner annually within 30 days after the close of its fiscal year. The report shall be signed by its president or vice president and secretary or treasurer; shall contain or be verified by a written statement that it is made under the penalties of perjury; and shall show accurately the financial condition of such association at the end of the preceding fiscal year and the income and expenses of such association during such preceding fiscal year, together with such statistical and other information as the commissioner may require. The report shall be in such form and detail as the commissioner prescribes. The commissioner may require such reports for any or all associations quarterly or semiannually in lieu of annually.

CHAPTER 885

An act to amend Sections 6901, 6902, 6903, 6904, 6905, 6906, 6907, 6908, 6909, and 6910; the heading of Chapter 9 of Part 1 of Division 2; and the heading of Article 1 of said Chapter 9, of the Financial Code, relating to reserves of, and restrictions on, savings and loan associations.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 9 of Part 1 of Division 2 of the Financial Code is amended to read:

CHAPTER 9. RESTRICTIONS AND LOAN RESERVE

SEC. 2. The heading of Article 1 of Chapter 9 of Part 1 of Division 2 of the Financial Code is amended to read:

Article 1. Restrictions on Dividends and on Issuance of Shares and Investment Certificates

SEC. 3. Section 6901 of said code is amended to read:

Amount of stock, surplus, undivided profits and reserves

6901. The amount specified for each association's stock, surplus, undivided profits and reserves shall consist of the sum of the amounts specified in Sections 6902, 6903, and 6904.

SEC. 4. Section 6902 of said code is amended to read:

Percentages of investment certificates

6902. On and after December 31, 1953, the amount specified for the stock, surplus, undivided profits and reserves of each association shall include five percent (5%) of the aggregate value of its outstanding investment certificates. Prior to December 31, 1953, the amount specified for its stock, surplus, undivided profits and reserves shall include the following percentages of the aggregate value of its outstanding investment certificates:

(a) Ten percent (10%) of any amount up to and including one million dollars ($1,000,000).

(b) Seven and one-half percent (7½%) of any amount in excess of one million dollars ($1,000,000) up to and including two million dollars ($2,000,000).

(c) Five percent (5%) of any amount in excess of two million dollars ($2,000,000) up to and including five million dollars ($5,000,000).

(d) Three percent (3%) of any amount in excess of five million dollars ($5,000,000).

SEC. 5. Section 6903 of said code is amended to read:

Percentages of outstanding shares

6903. The amount specified for the stock, surplus, undivided profits and reserves of each association shall include the following percentages of the aggregate value of the association's outstanding shares:

(a) On and after December 31, 1952, and prior to December 31, 1953, four percent (4%).

(b) On and after December 31, 1953, five percent (5%).

SEC. 6. Section 6904 of said code is amended to read:

Branches

6904. The amount specified for the stock, surplus, undivided profits and reserves of each association shall include twenty-five thousand dollars ($25,000) for each branch maintained by it, opened prior to October 1, 1949, and fifty thousand dollars ($50,000) for each branch maintained by it, opened on or after October 1, 1949.

SEC. 7. Section 6905 of said code is amended to read:

Contents

6905. Each association's stock, surplus, undivided profits and reserves, for the purpose of this article, shall consist of any one, or the sum of any of the following:

(a) Paid-up nonwithdrawable capital.

(b) Surplus.

(c) Undivided profits.

(d) Loan reserve, federal insurance reserve and reserve for bad debts.

(e) Other reserves as the commissioner prescribes.

SEC. 8. Section 6906 of said code is amended to read:

Distribution of profits

6906. No association shall pay any dividends to stockholders or distribute any profits to stockholders if its stock, surplus, undivided profits and reserves are less than, or by such payment or distribution would be reduced below, the amount specified in this article.

SEC. 9. Section 6907 of said code is amended to read:

6907. No association issuing investment certificates and not issuing stock shall pay any dividends to shareholders or distribute any profits to shareholders if its stock, surplus, undivided profits and reserves are less than, or by such payment or distribution would be reduced below, the amount specified in this article.

SEC. 10. Section 6908 of said code is amended to read:

6908. If its stock, surplus, undivided profits and reserves are less than the amount specified in this article, no association shall:

(a) Issue investment certificates except in lieu of investment certificates theretofore issued.

(b) Receive additional funds upon investment certificates other than installment certificates. This subdivision does not prevent crediting to investment certificates, interest earned thereon.

SEC 11. Section 6909 of said code is amended to read:

Withdrawable shares

6909. If its stock, surplus, undivided profits and reserves are less than the amount specified in this article, no association shall:

(a) Issue withdrawable shares except in lieu of withdrawable shares theretofore issued or in connection with loans.

(b) Receive additional funds on withdrawable shares other than installment shares. This subdivision does not prevent crediting to withdrawable shares, dividends or earnings thereon if the payment of such dividends is not otherwise prohibited under this article.

SEC. 12. Section 6910 of said code is amended to read:

Accrued interest, etc

6910. For the purposes of this article, accrued interest on investment certificates and accrued dividends on shares, at the rates of return determined for such investment certificates or shares, or if such rates have not been determined for any period or part of a period, at the rates of return most recently determined, shall be included in computing the value of outstanding shares and investment certificates, and shall be deducted in computing the amount of stock, surplus, undivided profits and reserves.

CHAPTER 886

An act to amend Sections 10270.5 and 10270.6 of the Insurance Code, relating to group insurance.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 10270.5 of the Insurance Code is amended to read:

Group disability insurance

10270.5. Group disability insurance is that form of disability insurance conforming to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the Federal or State Government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents or spouses for amounts of insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than 10 agents as defined in that section and eligible thereunder to be insured; or

(3) Issued to any association having a constitution and by-laws and formed in good faith for purposes other than that of obtaining insurance offering insurance to all the eligible members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union; or

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and insuring not less than 10 employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; or

(5) Issued to a school district or to the governing board of any school district or districts or to a private or parochial school or to the governing board or person in charge of the operation of any private or parochial school, insuring not less than 50 pupils of the school or district and providing benefits to pupils

or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils while they are in or on buildings or premises of the school or district during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or while being transported by the school or district or districts to and from school or other place of instruction or while at any other place as an incident to school sponsored activities and while being transported to, from and between such places, and under which

Same

(b) Transmission or collection of all premiums or premium contributions shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations:

(1) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(2) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after pay roll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(3) If individual members of the group make payment of their share of the premium contribution to the insurer without billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

(c) There is issued and delivered in accordance with the policy provision required by subsection (b) of Section 10270.6 an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

SEC. 2. Section 10270.6 of the Insurance Code is amended to read:

Group disability master policy Provisions

10270.6. Every group disability master policy shall contain the following provisions:

(a) A provision that the policy, the application of the policyholder and the individual applications, if any, of the individuals insured shall constitute the entire contract between the parties, and that all statements made by the policyholder, or by the individuals insured shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application;

(b) A provision that the insurer will issue to the policyholder for delivery to the individuals insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled and to whom payable;

(c) A provision that to the group or class thereof originally insured shall be added from time to time all new employees, members or pupils of the policyholder eligible to and applying for insurance in such group or class;

(d) A statement that such policy is not in lieu of and does not affect any requirement for coverage by workmen's compensation insurance.

CHAPTER 887

An act to add Section 670.5 to the Streets and Highways Code, relating to display of the Flag of the United States of America and the Flag of the State of California.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 670.5 is added to the Streets and Highways Code, to read:

Display of flags

670.5. The Flag of the United States of America and the Flag of the State of California may be displayed on a sidewalk located in or abutting on a state highway situated within a city, if the type of flag-holder and the method of its installation and maintenance are not in violation of the department's rules.

CHAPTER 888

An act to add Section 4294.5 to the Agricultural Code, relating to fluid milk and fluid cream, providing for the pricing of intermarket shipments of fluid cream and fluid skim milk, and declaring the purpose and intent of this act.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 4294.5 is added to the Agricultural Code, to read:

4294.5. Each such stabilization and marketing plan may contain provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers for fluid milk which is received by a distributor in one marketing area and separated in that area into fluid cream and fluid skim milk when such fluid cream or fluid skim milk or both are transported for utilization into another marketing area or into a locality in which no stabilization or marketing plan is in effect. This section shall not be construed to affect the provisions of this chapter relating to the establishment of minimum wholesale and minimum retail prices for fluid cream.

Stabilization and marketing plan Prices

SEC. 2. It is the purpose and intent of this act to resolve conflicting interpretations of the law, and make it clear that when fluid milk is purchased by a distributor from a producer in one marketing area, separated in that area into fluid cream and fluid skim milk and the fluid cream or fluid skim milk or both are transported from that marketing area the price paid to the producer may be provided for in a stabilization and marketing plan for fluid milk and fluid cream.

Purpose and intent

CHAPTER 889

An act to add Sections 11656.6, 11656.7, and 11656.8 to the Insurance Code, relating to group workmen's compensation policies.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. It is a part of the social public policy of this State to secure safety in places of employment, to reduce the incidence of injuries to workmen and to permit the issuance of workmen's compensation insurance protection to the employer at minimum costs consistent with the purposes and provisions of Article 2, Chapter 3, of this part. With a view to the accomplishment of these objectives, it is in the interest of the people of the State to preserve to insurers and employers the continued right to contract for the issuance of workmen's compensation policies insuring organizations and associations of employers on a group basis, where such organization or association complies with the conditions established herein.

Legislative intent

SEC. 2. Section 11656.6 is added to the Insurance Code, to read:

11656.6. An insurer may issue a workmen's compensation policy insuring an organization or association of employers as a group if such organization or association complies with the following conditions:

Issuance of workmen's compensation policy Conditions

(a) Files with the commissioner or a licensed workmen's compensation rating organization designated by him:

(1) A copy of its articles of incorporation and by-laws or its agreement of association and rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof;

(2) A statement setting forth its reasons for desiring insurance as a group;

(3) A statement certifying that at least 75 percent of its regular membership is engaged in a common trade or business, and an agreement that such percentage of membership will be maintained during such time as a group workmen's compensation policy issued to such organization or association is in force;

(4) An agreement that only those members who are engaged in a common trade or business shall be named by the organization or association in any statement to the commissioner, a licensed workmen's compensation rating organization or insurer as eligible for insurance as a member of the group, and an agreement that it will immediately notify its insurer if any member of such organization fails to remain a member in good standing in accordance with the basic law, rules and regulations of such organization or association;

(5) A statement in writing undertaking to establish and maintain a safety committee which by education and otherwise will seek to reduce the incidence and severity of accidents.

(6) An agreement in writing duly executed guaranteeing the payment of the premiums of all its members while insured under a group policy issued to the organization or association. A copy of the resolution of the governing board of such organization or association authorizing the execution of the guarantee agreement shall be filed with the commissioner or a licensed workmen's compensation rating organization designated by him and with any insurer issuing a group policy.

"Common trade or business"

(b) "Common trade or business" as used in this article shall mean

(1) In agricultural enterprises, operations in which the principal pay roll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rates of Workmen's Compensation Insurance approved by the Insurance Commissioner as applicable to farms; nurserymen; cultivating or gardening of flowers; and classifications embracing such other operations as may be conducted by a nonprofit cooperative association composed of producer members and combinations of nonprofit cooperative agricultural marketing associations having a central organization composed of member associations.

(2) In the building and construction industry, operations in the construction or repair of commercial or residential buildings or in general engineering construction in which the principal pay roll develops under any combination of the classifications applicable to such construction or repair as they appear in the Manual of Rules, Classifications and Basic Rates for Workmen's Compensation Insurance approved by the Insurance Commis-

sioner. Commercial buildings as defined in this subsection shall mean any nonresidential buildings.

(3) For all other enterprises, operations in which the principal pay roll develops under a single manual classification.

(c) "Principal pay roll," for the purpose of this section, means not less than 51 percent of the total pay roll for the preceding policy year or in the case of an employer who has no preceding full year's pay roll, not less than 51 percent of his estimated annual pay roll. "Principal pay roll"

SEC. 3. Section 11656.7 is added to said code, to read:

11656.7. Each member of an organization insured under a group policy shall be treated as a single and separate entity as respects rates, classifications and rating plans. Members

Two or more policies whose experience is combined for any purpose whatsoever, shall be considered group insurance and subject to the provisions of this article unless employers insured by such policies are engaged in operations having a common pay roll or where any rating plan or rating system and the rules applicable to them approved by the commissioner under the provisions of Article 2, Chapter 3, Part 3, Division 2, require or permit the insurance of more than one employer in a single policy. Combination of two or more policies

SEC. 4. Section 11656.8 is added to said code, to read:

11656.8. Nothing in Section 11656.6 or 11656.7 shall be construed to supersede, modify, or otherwise affect in any way the provisions of Section 11656.5.

CHAPTER 890

An act to amend Section 261 of the Code of Civil Procedure and Section 70140 of the Government Code, relating to court commissioners of the superior court in counties or cities and counties having a population of 2,000,000 inhabitants or over.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 261 of the Code of Civil Procedure is amended to read:

261. In any county or city and county having a population of 2,000,000 or over in which the superior court shall appoint 15 court commissioners, each commissioner shall receive a salary of eleven thousand five hundred dollars ($11,500) per annum. The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against said county or city and county are required by law to be allowed and audited. Los Angeles County court commissioners Number and compensation

SEC. 2. Section 70140 of the Government Code is amended to read:

70140. In any county with a population of 2,000,000 or over, the superior court may appoint 15 court commissioners. Each commissioner shall receive an annual salary of eleven thousand five hundred dollars ($11,500).

Effect Stats 1953, Ch 206

SEC. 3. Section 2 of this act becomes effective only if Title 8 of the Government Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Title 8 takes effect, at which time Section 261 of the Code of Civil Procedure is repealed.

CHAPTER 891

An act to add Section 34092 to the Government Code, relating to duties of city clerks.

In effect September 9, 1953

[Approved by Governor May 23, 1953 Filed with Secretary of State May 23, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 34092 is added to the Government Code, to read:

Name of street, boulevard, etc.

34092. Whenever the name of any street, boulevard, park, or place is adopted, established or changed by any city, the city clerk shall promptly forward a copy of the resolution, order, or other instrument providing for such new name or change of name to the board of supervisors of the county within which such city is situated.

CHAPTER 892

An act to add Section 7717.5 to the Business and Professions Code, relating to paying or offering money for recommending a dealer in flowers.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7717.5 is added to the Business and Professions Code, to read:

Payment for recommending florist: Penalty

7717.5. Every person who pays or causes to be paid or offers to pay to any funeral director or embalmer, or to the agent, assistant or employee of either, any commission or bonus or rebate or other thing of value in consideration of such funeral director or embalmer recommending or causing the purchase of flowers from any particular florist or dealer in flowers, for use in connection with a funeral service, is guilty of a misdemeanor; provided, that this section shall not apply to a funeral director

who owns or operates a flower shop as a part of his funeral business, or to his agents or employees.

CHAPTER 893

An act to repeal Section 18657 of the Health and Safety Code, relating to auto and trailer parks.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 18657 of the Health and Safety Code is hereby repealed.

Repeal

CHAPTER 894

An act to amend Section 18600 of, and to add Section 18600.1 to, the Health and Safety Code, relating to auto and trailer parks.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 18600 of the Health and Safety Code is amended to read:

18600. It shall be unlawful for any person in an auto and trailer park to use, or cause or permit to be used, for occupancy:

Use of trailer coach. Unlawful when

(a) Any trailer coach from which any tire or wheel has been removed therefrom, except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any trailer coach to which are attached any rigid water, gas or sewer pipes; provided, however, that metal tubing not to exceed one-half inch inside diameter may be used for water and gas.

(c) Any trailer coach which is permanently attached with underpinning or foundation to the ground.

(d) Any trailer coach which does not conform to the requirements of the California State Vehicle Code governing the use of trailers on public highways.

(e) Any trailer coach which does not carry a current yearly license issued by any state or foreign state motor vehicle department.

(f) Any trailer coach in an insanitary condition.

(g) Any trailer coach which is structurally unsound and does not protect its habitants against the elements.

(h) Any trailer coach to which there is attached or established less than six feet adjacent thereto any awning, portable, demountable, or permanent cabana, building or windbreak, unless constructed in conformity with the rules and regulations of the

Division of Housing as set forth in rules and regulations of the said division for such use, and the said division is hereby empowered to draft and enforce such rules and regulations. The provisions of Section 18625.5 of this code shall not apply to any awning, cabana, building or windbreak regulated by this subdivision.

SEC. 2. Section 18600.1 is added to said code, to read:

Local regulation of trailer coaches

18600.1. Any city, county, or city and county may enact an ordinance to prohibit the use or occupancy of trailer coaches of the type described in subdivision (h) of Section 18600 or to provide that the provisions of subdivision (h) of Section 18600 shall not apply therein, and that, in lieu thereof, the regulations adopted and enforced by the city, county, or city and county shall apply; provided, such regulations prescribe minimum standards equal to or greater than those prescribed by the Division of Housing. If an ordinance is enacted and such regulations are adopted, the provisions of subdivision (h) of Section 18600 shall not apply within the city, county, or city and county, but the ordinance and regulations shall apply therein. The provisions of Section 18625.5 of this code shall not be construed as a limitation upon this section.

CHAPTER 895

An act to amend Section 15681 of the Revenue and Taxation Code, relating to penalties for failure to file gift tax returns.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 15681 of the Revenue and Taxation Code is amended to read:

Failure to file gift tax returns. Penalty

15681. If no gift return is filed pursuant to this part or the regulations of the Controller, or if a return does not show all transfers made in the year for which the return is filed, a penalty equal to 5 percent of the tax on the transfers not returned is added to the tax.

CHAPTER 896

An act to amend Section 1731.5 of, and to repeal Sections 1732 and 1734 of, the Welfare and Institutions Code, relating to commitments to the Youth Authority.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1731.5 of the Welfare and Institutions Code is amended to read:

1731.5. After certification to the Governor as provided in this article a court may refer to the authority any person convicted of a public offense who comes within all of the following description: Commitments to Youth Authority

(a) Is found to be less than 21 years of age at the time of apprehension;

(b) Is not sentenced to death, imprisonment for life, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment;

(c) Is not granted probation.

If the authority believes that any person referred to it as provided in this section can be materially benefited by the procedure and discipline of the authority, and that proper and adequate facilities exist for the care of such person, it shall so certify to the court. The court shall thereupon commit said person to the authority.

SEC. 2. Sections 1732 and 1734 of said code are repealed. Repeal

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CHAPTER 897

An act to amend Section 1152 of the Welfare and Institutions Code, relating to escapes from institutions under the jurisdiction of the Youth Authority.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1152 of the Welfare and Institutions Code is amended to read:

1152. Any person who knowingly permits or aids any inmate of any institution under the jurisdiction of the Youth Authority to escape therefrom, or conceals him with the intent of enabling him to elude pursuit, is guilty of a misdemeanor. Abetting escapes Penalty

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CHAPTER 898

An act to amend Section 3442 of the Revenue and Taxation Code, relating to entries on the current roll for property tax purposes.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 3442 of the Revenue and Taxation Code is amended to read:

Sale of property for taxes. List

3442. Within 30 days after the sale by operation of law, the tax collector shall furnish the redemption officer with a list of all the property sold. The redemption officer shall enter on the current roll immediately after the description of the property the fact and date of sale. In any county where the auditor is not the redemption officer the list shall be furnished to the auditor and the auditor shall make such entries on the current roll.

CHAPTER 899

An act to amend Section 3004 of the Corporations Code, relating to the inspection of corporate records and reports by directors.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 3004 of the Corporations Code is amended to read:

Inspection of corporate records, etc

3004. Every director shall have the absolute right at any reasonable time to inspect all books, records, documents of every kind, and the physical properties of the corporation, domestic or foreign, of which he is a director, and also of its subsidiary corporations, domestic or foreign. Such inspection by a director may be made in person or by agent or attorney, and the right of inspection includes the right to make extracts. In the case of foreign corporations this right extends only to such books, records, documents, and properties of such corporations as are kept or located in this State.

CHAPTER 900

An act to amend Sections 154 and 6500 of the Welfare and Institutions Code, relating to the changing of the name of the Norwalk State Hospital to the "Metropolitan State Hospital."

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 154 of the Welfare and Institutions Code is amended to read:

Department of Mental Hygiene. Jurisdiction

154. The department has jurisdiction over the following institutions:

Agnews State Hospital.
Atascadero State Hospital.
Camarillo State Hospital.

DeWitt State Hospital.
Fairview State Hospital.
Mendocino State Hospital.
Modesto State Hospital.
Napa State Hospital.
Metropolitan State Hospital.
Pacific State Hospital.
Patton State Hospital.
Porterville State Hospital.
Sonoma State Hospital.
Stockton State Hospital.
The Langley Porter Clinic.

SEC. 2. Section 6500 of said code is amended to read:

State mental hospitals

6500. There are in the State the following state hospitals for the care and treatment of the insane, the mentally ill, and the mentally disordered:

1. Stockton State Hospital at the City of Stockton.
2. Napa State Hospital near the City of Napa.
3. Agnews State Hospital near the City of San Jose.
4. Mendocino State Hospital near the City of Ukiah.
5. Patton State Hospital near the City of San Bernardino.
6. Metropolitan State Hospital near the City of Norwalk, Los Angeles County.
7. Camarillo State Hospital near Camarillo, Ventura County.
8. The Langley Porter Clinic, in the City and County of San Francisco.
9. DeWitt State Hospital near the City of Auburn.
10. Modesto State Hospital near the City of Modesto.
11. Atascadero State Hospital near the City of Atascadero, San Luis Obispo County.

Commitments and transfers

DeWitt State Hospital and Modesto State Hospital may be used for the reception, care and treatment of the mentally ill, mentally disordered, or mentally deficient. No commitments shall be made by the courts to the Department of Mental Hygiene for placement in DeWitt State Hospital or Modesto State Hospital of mentally deficient persons, but the department may transfer mentally deficient and other patients to and from these institutions as provided in Sections 163 and 6700 of this code.

CHAPTER 901

An act to amend Section 35305 of the Water Code, relating to California water districts.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 35305 of the Water Code is amended to read:

By-laws

35305. The by-laws may be repealed or amended or new by-laws adopted by the assent of two-thirds of the total vote of the district, given either in writing or by ballot cast at a district election.

The by-laws may also be amended by a four-fifths vote of the directors and approval of the board of supervisors of the principal county of the district.

CHAPTER 902

An act to amend Section 113 of the Streets and Highways Code, relating to contributions by cities for the construction, improvement, or maintenance of state highways.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 113 of the Streets and Highways Code is amended to read:

Acquisition of real property

113. Upon a request from the department the governing body of any city may acquire any real property or interest therein needed for state highway purposes and lying within such city. The title to such real property or interest therein may be taken in the name of the State or of the city.

Contributions for highway purposes

Any city may aid in the construction, improvement or maintenance of any state highway located in whole or in part within its boundaries by contributing any part of the expense thereof to the department out of any city funds available or to become available for construction, improvement or maintenance of streets within the city.

CHAPTER 903

An act to add Section 1732.8 to the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for San Francisco Harbor.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1732.8 is added to the Harbors and Navigation Code, to read:

"Port director"

1732.8 The title of "port manager" is changed to "port director." As used in this code and every other statute heretofore or hereafter enacted the title "port manager" shall be construed to refer to and mean "port director."

CHAPTER 904

An act to amend Section 2071 of, and to add Section 2071.5 to, the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for San Francisco Harbor.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2071 of the Harbors and Navigation Code is amended to read:

Lease of seawall lots

2071. The board may lease any portion of seawall lots, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-nine, thirty, 347, 348, 349, 350, "a," "b," "c," "d," and any portion of that certain land described as follows, to wit:

Description

Beginning at a point on the easterly line of Third Street distant thereon one hundred sixty feet southerly from the southerly line of Islais Street; thence running easterly parallel with Islais Street three thousand one hundred thirty-seven and nineteen hundredths feet more or less to the inner line of the Embarcadero; thence southeasterly along the inner line of the Embarcadero three thousand two hundred thirty-five and eighty-eight hundredths feet more or less to its intersection with the northerly line of India Street on the northerly side of India Basin; thence running westerly along the said northerly line of India Street one thousand seven hundred two and eight hundredths feet more or less to the northeasterly line of Arthur Avenue extended southeasterly across Third Street; thence along the last described line northwesterly four thousand one hundred fifty-two and thirty-four hundredths feet more or less to the easterly line of Third Street; thence northerly along the easterly line of Third Street fifty-nine and forty-two hundredths feet more or less to the point of beginning, and such portions of that certain land described as follows, to wit: Beginning at a point on the northerly line of Seventeenth Street produced easterly and located eighty feet easterly from the westerly line of Illinois Street; running thence easterly along said northerly line of Seventeenth Street produced, a distance of four hundred fifty-eight and three one-hundredths feet; thence southerly six hundred twenty-one and fifty-three one-hundredths feet to a point located three hundred eighty-five feet easterly from the westerly line of Illinois Street; running thence southerly to a point on the southerly line of Eighteenth Street produced easterly, located two hundred and sixty feet easterly from the westerly line of Illinois Street; running thence westerly along the southerly line of Eighteenth Street produced to a point located eighty feet easterly from the west-

erly line of Illinois Street; running thence northerly parallel to the westerly line of Illinois Street to the place of beginning.

SEC. 2. Section 2071.5 is added to said code, to read:

World Trade Center

2071.5. The board may designate an area or areas under its jurisdiction not in excess of five acres as a World Trade Center and may lease any portion of the structure or land so designated upon such terms and conditions as it deems desirable, except that such a lease may not be for a term in excess of 15 years, and the making of such lease shall not be governed by the provisions of Sections 2072 and 2073 of this code.

CHAPTER 905

An act to repeal Section 6093 of, and to add Sections 6081, 6082, 6083, 6093, 6093.1, 6093.2, 6093.3 and 6093.4 to the Harbors and Navigation Code, relating to the duties and powers of members of a harbor commission.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 6093 of the Harbors and Navigation Code is hereby repealed.

SEC. 2. Section 6081 is added to said code, to read:

Capital outlay fund

6081. By resolution, the board may provide for the creation and accumulation of a fund for capital outlays.

SEC. 3. Section 6082 is added to said code, to read:

Transfer of funds

6082. At any time after the creation of the fund, the board may transfer to the capital outlay fund any unencumbered surplus funds raised for any purpose whatever, remaining on hand at the end of any fiscal year or years.

SEC. 4. Section 6083 is added to said code, to read:

Election

6083. The capital outlay fund shall remain inviolate for the making of any capital outlays and the money shall not be disbursed from the fund except for such a purpose unless the district board submits a proposition to the electors of the district to obtain their consent to use the money in the fund for some other specific purpose. The proposition may be submitted at any election. A two-thirds vote of all the voters voting at the election is necessary to authorize the expenditure of the money for such other purpose.

SEC. 5. Section 6093 is added to said code, to read:

Budget

6093. On or before the fifteenth of June of each year, the district board shall estimate and determine the amount of money required by the harbor district and shall adopt a preliminary budget which shall be divided into the following main classes:

(1) Ordinary annual expenses.
(2) Capital outlay and capital outlay fund.
(3) Prior indebtedness.

SEC. 6. Section 6093.1 is added to said code, to read:

6093.1. On or before the fifteenth day of June of each year, the board shall publish a notice at least one time in a newspaper of general circulation throughout the district stating: Publication of notice

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district specified in the notice for inspection by interested taxpayers.

(2) That on a specified date not less than one month after the publication of the notice and at a specified time and place, the district board will meet for the purposes of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the budget or for the inclusion of additional items.

SEC. 7. Section 6093.2 is added to said code, to read:

6093.2. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the budget or for the inclusion of additional items. The hearing on the budget may be continued from time to time. Hearing

SEC. 8. Section 6093.3 is added to said code, to read:

6093.3. The district board shall report the final budget to the board of supervisors after the budget hearing but not later than the first day of August each year after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases or additions. Report

SEC. 9. Section 6093.4 is added to said code, to read:

6093.4. The board of supervisors shall at the time of levying the county taxes levy a tax upon all the taxable property within the district sufficient to meet the amounts set forth in the final budget submitted by the district board; provided, that no taxes shall be levied for any capital outlay or capital outlay fund included in the final budget submitted by the district board unless the district board receives definite assurances of federal assistance; provided further, that if not less than 10 percent of the qualified electors of the district have signed a petition filed with the board of supervisors protesting the levy for any capital outlay or capital outlay fund included in the final budget submitted by the district board, or if a written protest against the proposed capital outlay or capital outlay fund signed by a majority in number of the assessees of real property representing one-half or more of the assessed valuation of the taxable real property within the district, as shown by the last preceding equalized assessment roll, is filed with the board of supervisors, the board of supervisors shall delete said levy for capital outlay or capital outlay fund from the final budget before levying a tax to raise the amount required by the final budget. Such protest petition must be filed with the board of supervisors not later than five days prior to the final day on which the board of supervisors is required by law to make the annual tax levy. The money when collected by the tax collector of the county shall be paid to the treasurer of said district; provided further, that any levy for capital outlay or for capital outlay fund shall not exceed Tax levy Protest petition Maximum tax

three cents ($0.03) per one hundred dollars ($100) assessed valuation of all the real and personal property in the district.

CHAPTER 906

An act to add Section 17420 to the Financial Code, relating to escrow agents.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 17420 is added to said code, to read:

Payment of commissions, etc.

17420. The payment by a licensee to any person, other than an employee of the licensee, of any commission, referral fee, or other consideration as compensation for referring customers to said licensee is a violation of this division.

CHAPTER 907

An act to add Section 14275.5 to and to amend Sections 14448, 14680, and 14681 of the Education Code, relating to the State Teachers' Retirement System.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 14275.5 is added to the Education Code, to read:

"Month"

14275.5. In the provisions of this chapter relating to the computation and crediting of service, "month" means a school month, as defined in Section 8102; in all other provisions of this chapter, "month" means a period commencing on any day of a calendar month and extending through the day preceding the corresponding day of the succeeding calendar month, if there is any such corresponding day, and if not, through the last day of the succeeding calendar month.

SEC. 2. Section 14448 of said code is amended to read:

Credit for compensated absences

14448. The member shall receive credit for time spent by him on leave of absence for which he receives compensation, as defined in Section 14276, from a school district or other employing agency, or disability indemnity from any insurance carrier of any school district or other employing agency under the Labor Code on account of injury or disease arising out of and in the course of his employment, but time after termination of membership shall not be credited, regardless of whether disability indemnity from an insurance carrier continues.

SEC. 3. Section 14680 of said code is amended to read:

14680. If a member of this retirement system who is or has been a member of another retirement system ceases to be entitled to retirement benefits from the other retirement system for any service rendered after July 1, 1944, which qualifies for credit under this retirement system and for which he has not contributed to the Retirement Annuity Fund under Section 14478, but continues to be a member of this retirement system, upon receipt of refund of his contributions to the other retirement system he shall deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the other retirement system, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions. Additional contributions

Unless such deposit is made within two years after the date upon which notice of the right to make such deposit is mailed by this system to the member's latest address on file in the office of this system and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon salary earned in any service after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478, and the guarantee of a minimum annuity shall not apply. If the deposit is made, the member's rate of annuity contribution shall be based on his age at the beginning of such service after July 1, 1944, or on a lower age, as determined under this chapter, because of other credited service. Failure to deposit

SEC. 4. Section 14681 of said code is amended to read:

14681. Any person who enters or changes his status under this Retirement System after July 1, 1944, and who thus becomes subject to the Retirement Annuity Fund and receives credit for service rendered after July 1, 1944, but prior to his entry into or change in status under this Retirement System, shall deposit in the Retirement Annuity Fund an amount equal to the contributions he would have been required to make to the Retirement Annuity Fund during such service if he had then been a member of this Retirement System and subject to said fund, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions Additional contributions

Unless such deposit is made within two years after the date upon which notice of the right to make such deposit is mailed by this system to the member's latest address on file in the office of this system and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon salary earned in any service after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478, and the guarantee of a minimum annuity Failure to deposit

shall not apply. If the deposit is made, the member's rate of annuity contribution shall be based on his age at the beginning of such service after July 1, 1944, or on a lower age, as determined under this chapter, because of other credited service.

CHAPTER 908

An act to amend Section 437c of the Code of Civil Procedure, relating to summary judgments.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 437c of the Code of Civil Procedure is amended to read:

Summary judgment:

437c. In superior courts and municipal courts when an answer is filed in any kind of action if it is claimed that there is no defense to the action or that the action has no merit, on motion of either party, after notice of the time and place thereof in writing served on the other side at least 10 days before such motion, supported by affidavit of any person or persons having knowledge of the facts, the answer may be stricken out or the complaint may be dismissed and judgment may be entered, in the discretion of the court unless the other party, by affidavit or affidavits shall show such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. A judgment so entered is an appealable judgment as in other cases. The word "action" as used in this section shall be construed to include all types of proceedings.

Affidavits in support of motion

The affidavit or affidavits in support of the motion must contain facts sufficient to entitle plaintiff or defendant to a judgment in the action, and the facts stated therein shall be within the personal knowledge of the affiant, and shall be set forth with particularity, and each affidavit shall show affirmatively that affiant, if sworn as a witness, can testify competently thereto.

Affidavits in opposition to motion

The affidavit or affidavits in opposition to said motion shall be made by the plaintiff or defendant, or by any other person having knowledge of the facts, and together shall set forth facts showing that the party has a good and substantial defense to the plaintiff's action (or to a portion thereof) or that a good cause of action exists upon the merits. The facts stated in each affidavit shall be within the personal knowledge of the affiant, shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. When the party resisting the motion appears in a representative capacity, such as a trustee, guardian, executor, administrator, or receiver, then the affidavit

in opposition by such representative may be made upon his information and belief.

If it appear that such defense applies only to a part of the plaintiff's claim, or that any part is admitted, the court shall, by order, so declare, and plantiff's claim shall be deemed established as to so much thereof as such defense shall not apply to, or as is admitted, and the cause of action may be severed accordingly, and the action may proceed as to the remainder of such claim. No judgment shall be entered prior to the termination of such action but the judgment in such action shall, in addition to any matters determined in such action, award to plaintiff the amount of his claim so established by the proceedings herein provided for. A judgment entered under this section is an appealable judgment as in other cases.

Application to part of claim only

CHAPTER 909

An act to add Section 1005.5 to the Code of Civil Procedure, relating to notices of motion.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1005.5 is added to the Code of Civil Procedure, to read:

1005.5. A motion upon all the grounds stated in the written notice thereof is deemed to have been made and to be pending before the court for all purposes, upon the due service and filing of the notice of motion, but this shall not deprive a party of a hearing of the motion to which he is otherwise entitled. Procedure upon a motion for new trial shall be as otherwise provided.

Notice of motion

CHAPTER 910

An act to amend Section 1032 of the Code of Civil Procedure, relating to court costs in superior courts.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1032 of the Code of Civil Procedure is amended to read:

1032. In the superior court, except as otherwise expressly provided, costs are allowed of course:

Court costs

(a) To plaintiff upon a judgment in his favor; in an action for the recovery of real property; in an action to recover the possession of personal property; in an action for the recovery of money or damages; in a special proceeding; in an action

which involves the title or possession of real estate or the legality of a tax, impost, assessment, toll, or municipal fine.

(b) To the defendant upon a judgment in his favor in special proceedings and in the actions mentioned in subdivision (a) of this section, or as to whom the action is dismissed. When there are several defendants in any action mentioned in subdivision (a) of this section, not united in interest, and making separate defenses by separate answers, and plaintiff fails to recover judgment against all, the court must award costs to such of the defendants as have judgment in their favor.

(c) In other actions than those mentioned in this section costs may be allowed or not, and, if allowed, may be apportioned between the parties, on the same or adverse sides, in the discretion of the court.

(d) In all actions, whether mentioned in this section or not, if the prevailing party recovers a judgment that could have been rendered in a court inferior in jurisdiction in the county or city and county, the court may at its discretion allow or deny costs to such prevailing party, or may allow costs in part in such amount as it deems proper.

CHAPTER 911

An act to amend Section 68073 of the Government Code, relating to attendants, furniture, furnishings, heat, light, equipment, stationery, supplies and other personal property, and rooms for superior, municipal and justice courts.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 68073 of the Government Code is amended to read:

Courtrooms, supplies, etc

68073. In each county the board of supervisors shall provide suitable rooms for holding the superior, municipal and justice courts, for the chambers of the judges of said courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for said rooms and chambers and for the transaction of the business of the courts.

If the board of supervisors of any county does not provide suitable rooms for holding the superior, municipal or justice courts, for the chambers of the judges of said courts and for the court attendants, together with sufficient attendants, furniture, furnishings, heat, light, equipment, stationery, supplies and other personal property, for said rooms and chambers and for the transaction of the business of the courts, the courts or the judge or judges of such courts may direct the sheriff of

the county to provide the same The expenses incurred in providing the same, certified by the judge or judges to be correct, are a charge against the county treasury, and shall be paid out of the general fund.

This section shall not be construed as authorizing the county to supply to the official reporters of the courts Stenograph, Stenotype or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies or other personal property. Reporters

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CHAPTER 912

An act to amend Sections 2618, 2619, 2705, 2705.5, 4219, 4221, 4224, 4336 and 4337 of the Revenue and Taxation Code, relating to the delinquent date of the second installment of taxes on real property.

[Approved by Governor May 22, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2618 of the Revenue and Taxation Code is amended to read:

2618. The second half of taxes on real property, if unpaid, is delinquent April 10th at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to it. Date real property taxes due

SEC. 2. Section 2619 of the Revenue and Taxation Code is amended to read:

2619. If December 10th or April 10th falls on Saturday, the time of delinquency is 5 p.m. on the next business day. Saturday

SEC. 3. Section 2705 of the Revenue and Taxation Code is amended to read:

2705. The second half of taxes on the secured roll, if unpaid, is delinquent April 10th at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to it. Date taxes on secured roll due

SEC. 4 Section 2705.5 of the Revenue and Taxation Code is amended to read:

2705.5. If December 10th or April 10th falls on Saturday, the time of delinquency is 5 p.m. on the next business day. Saturday

SEC. 5. Section 4219 of the Revenue and Taxation Code is amended to read:

4219. Election to pay delinquent taxes in installments is made by payment, in the same manner as a redemption, of 20 percent, or more, of the redemption amount. All current taxes, with penalties and costs thereon, due or coming due in the fiscal year in which this first payment is made shall be paid on or before April 10th, except that if the election to pay delinquent taxes in installments is made after April 10th in any fiscal year, the current taxes shall be paid with or prior to the installment payment. Delinquent taxes Election to pay in installments

SEC. 6. Section 4221 of the Revenue and Taxation Code is amended to read:

Due date

4221. The payments required in each fiscal year after the first payment shall be made not later than April 10th of the fiscal year succeeding the fiscal year when the last payment was made.

SEC. 7. Section 4224 of the Revenue and Taxation Code is amended to read:

Redemption of property

4224. If all payments under this article are made as prescribed and if redemption of the property is made on or before April 10th in the fourth fiscal year succeeding the fiscal year when the first payment was made, the amount necessary to redeem the property, unless, under some method of redemption, a redemption may be made for a lesser amount, is the balance of the redemption amount, with interest on such balance of one-half percent accruing on the first day of each month following the last preceding payment to the date of redemption. When redemption is made under this section, no credit shall be allowed for amounts previously paid or credited.

SEC. 8. Section 4336 of the Revenue and Taxation Code is amended to read:

Credit for back taxes paid

4336. When property is redeemed on which delinquent taxes have been paid in installments, there shall be credited on the amount necessary to redeem the total amount of back taxes previously paid, without an allowance for interest on it. The credit shall be allowed after computation of the amount necessary to redeem. If the last payment made of delinquent taxes in installments was under a provision of law which requires that payments be made on or before April 10th or on or before April 20th in each fiscal year or which expressly allows quarter-annual payment of installments, no credit shall be allowed under this section after five years succeeding April 10th or April 20th of the first fiscal year when no payment was made as required.

SEC. 9. Section 4337 of the Revenue and Taxation Code is amended to read:

Additional credit

4337. When payment of delinquent taxes in installments on any property was started under any provision of law and payment of delinquent taxes in installments on the property is later started under another provision of law providing for such payment, or under the same provision of law after default in payment, there shall be credited on the amount payable the total amount of back taxes paid under the same or previous provision, without an allowance for interest on it. This credit is in addition to and not a substitute for the payment of any part of any installment payable and shall be allowed after the first installment is paid. If the last payment made of delinquent taxes in installments was under a provision of law which requires that payments be made on or before April 10th or on or before April 20th in each fiscal year or which expressly allows quarter-annual payment of installments, no credit shall be allowed under this section after five years succeeding April 10th

or April 20th of the first fiscal year when no payment was made as required.

SEC. 10. The provisions of this act shall become operative as to current taxes which become a lien on property on and after January 1, 1954, and as to redemption installment payments made on and after July 1, 1954.

Current taxes, etc.

CHAPTER 913

An act to amend Section 1325 of the Penal Code, relating to the privilege of witnesses in narcotics cases.

[Approved by Governor May 23, 1953 Filed with Secretary of State May 23, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1325 of the Penal Code is amended to read:

1325. A person sworn and examined for the people of the State of California in any action in which the defendant is charged with a violation of Section 274 of this code, or with any action constituting a felony under Division 10 of the Health and Safety Code, or a person sworn and examined before a grand jury investigating alleged charges of violation of said section or division, cannot be held to answer criminally or be subject to any penalty or forfeiture for any fact or act concerning which he is required to testify. Any statement made or paper produced by such witness is not competent evidence in any criminal proceeding against the witness. The witness cannot refuse to testify to any fact or to produce any paper concerning which he is examined in such proceeding for the reason that his testimony or the production of the paper may tend to incriminate him. Nothing in this section exempts any witness from prosecution and punishment for perjury committed by him on examination.

Immunity of witnesses in narcotics cases

CHAPTER 914

An act to amend Section 6.11 of the Alcoholic Beverage Control Act, and to add Sections 23428.5 and 23428.7 to the Business and Professions Code, relating to organizations, associations and clubs, and providing for the issuance of on-sale general licenses thereto.

[Approved by Governor May 23, 1953 Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 6.11 of the Alcoholic Beverage Control Act is amended to read:

"Club" Sec. 6 11. For the purposes of this section "club" means any of the following:

(a) Any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year. An American national fraternal organization as used in this subsection must actively operate in not less than thirty-six (36) states of the Union and have not less than five hundred (500) local units in said thirty-six (36) states and which has been in active continuous existence for not less than twenty (20) years.

(b) Any hall or building association of such a local unit as is mentioned in subdivision (a) above, all of the capital stock of which is owned by the local unit or the members thereof, and which operates the clubroom facilities of such local unit.

(c) Any golf club which has more than 100 bona fide members, which owns, maintains or operates a regular golf links together with a clubhouse thereon, and which has operated such establishment for not less than one year; or any swimming and tennis club which maintains a standard A. A. U. swimming pool and not less than five regulation tennis courts, together with the necessary facilities and clubhouse, which has 200 members or more paying regular monthly dues, and which has been in existence for not less than two years.

(d) Any yacht club which is a nonprofit organization and is a regular member of a recognized national nonprofit yachting organization having a membership of not less than 200 member yacht clubs, and which has more than 100 bona fide regular members, and which owns, maintains or operates a clubhouse and which has operated such clubhouse for not less than one year.

(e) Any bar association having an authorized delegate to the American Bar Association and composed entirely of attorneys at law, duly admitted, licensed and qualified to practice as such within the State of California, which has a bona fide membership of more than 1,000 members and has been in existence for a period of more than 20 years and which owns, leases, operates or maintains a clubroom or rooms for its membership and which has operated such clubroom or rooms for a period of not less than five years.

(f) Any press club which is a nonprofit organization and whose members are entitled to exchange privileges with similar organizations in at least 12 other states, and which has a bona fide membership of more than 500 members, and which owns, leases, operates or maintains a clubhouse and which has operated such clubhouse for not less than six and a half (6½) years.

(g) Any bona fide nonprofit corporation, which is a bona fide horse riding club, which is a member of a state-wide organization or association, and which has more than 50 bona fide regular members, which owns, maintains, or operates premises upon which a regular riding club together with a clubhouse is maintained, and which has operated such establishment for not less than five years.

A club as herein defined is a bona fide club within the meaning of Section 22 of Article XX of the Constitution of California.

The board may issue one "club license" to any club as herein defined. The fee for a club license shall be seventy-five dollars ($75) per year, plus an additional fee as set by the board for the distilled spirits privileges of the license. The fee for a club license shall not exceed the fee for an on-sale general license in the locality where the club is maintained. Club license Fee

The holder of a club license is authorized to exercise all of the rights and privileges permitted by an on-sale general license, except that the holder of such license is authorized to sell and serve alcoholic beverages for consumption within the licensed establishment owned, leased, or occupied by the club only to bona fide members of the club and their bona fide guests. A club license is not transferable from person to person. The provisions of Section 38f do not apply to club licenses issued or to be issued pursuant to this section. Rights

Any club which holds an on-sale general license on or after April 1, 1947, and which transfers its on-sale general license to another person on or after that date shall not be eligible to apply for a club license for a period of at least one year following the date of the transfer of its on-sale general license. Transfer of license

If any provision in this section which is reasonably separable from the remainder of the section is held invalid, such remainder of the section shall not be affected thereby. Separability clause

SEC. 2. Section 23428 5 is added to the Business and Professions Code, to read:

23428.5. For the purposes of this article "club" also means any press club which is a nonprofit organization and whose members are entitled to exchange privileges with similar organizations in at least 12 other states, and which has a bona fide membership of more than 500 members, and which owns, leases, and operates or maintains a clubhouse and which has operated such clubhouse for not less than six and a half ($6\frac{1}{2}$) years. "Club"

SEC. 3. Section 23428.7 is added to the Business and Professions Code, to read:

23428.7. For the purposes of this article "club" also means any bona fide nonprofit corporation, which is a bona fide horse riding club, which is a member of a state-wide organization or association, and which has more than 50 bona fide regular members, which owns, maintains, or operates premises upon which a regular riding club together with a clubhouse is maintained, and which has operated such establishment for not less than five years.

SEC. 4. Sections 2 and 3 of this act become operative only if Division 9 of the Business and Professions Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Division 9 takes effect, at which time Section 6.11 of the Alcoholic Beverage Control Act, as amended by this act, is repealed. Effect Stats 1953, Ch 152

CHAPTER 915

An act to amend Section 1744 of the Code of Civil Procedure, relating to conciliation proceedings.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1744 of the Code of Civil Procedure is amended to read:

Court assistants

1744. In each county having a population of 2,000,000 inhabitants or more, the superior court may appoint the following persons to assist the conciliation court in disposing of its business:

(a) One commissioner, who shall be known as the "director of conciliation," and shall receive a salary of seven thousand two hundred sixty dollars ($7,260) per annum.

(b) The following persons, each at a monthly salary of:

Title of position	Number of positions	First step	Second step	Third step
Counselor of conciliation	1	$464	$489	$516
Investigator	1	417	440	464
Junior judicial secretary	2	273	288	303

Manner of appointment

The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county, and may be made in addition to all other appointments of commissioners and other judicial attaches and employees otherwise authorized by law to be made in counties having a population of 2,000,000 inhabitants or more. All of the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office.

Salaries

The salaries and expenses provided for in this section shall be paid in monthly installments out of the fund of the county from which salaries and expenses of county officers generally are paid, and shall be audited and allowed in the same manner as other salary and expense demands against the county.

The salaries provided for in this section for employees on the three-step plan shall be paid as provided in Section 69899.5 of the Government Code. The incumbent of a position for which a three-step salary schedule is provided, shall, commencing on the effective date of this section, be entitled to be paid at the third step of the salary schedule applicable to the position held by him.

CHAPTER 916

An act to amend Section 6249 of the Harbors and Navigation Code, relating to the powers of port districts.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 6249 of the Harbors and Navigation Code is amended to read:

6249. The board may prescribe rules and regulations pertaining to the selection of officers and employees of the district, other than the auditor. It shall also fix the salary or wages of all officers and employees of the district. The term of each officer appointed by the board shall be during the pleasure of the board.

Officers and employees

The board may adopt and carry into effect a contract or contracts of group insurance or a system of group annuities or both for the benefit of such of the officers and employees of the district as accept the same and who have authorized the board to make deductions from their compensation for the payment of a portion of the premium thereon. Contracts of group insurance or systems of group annuities which include benefits to dependents of officers and employees are contracts of group insurance or systems of group annuities for the benefit of officers and employees for the purpose of this section. The board may make such deductions and may pay the remainder of such premiums from any funds of the district not required to be devoted to a specific purpose. The board may pay such portion of the premiums thereon or attributable thereto as it determines to be advisable. The board may arrange or contract for a contract or contracts of group insurance or a system of group annuities or both with any public agency or any insurance company or agent authorized by or pursuant to law to transact such business within this State.

Insurance

CHAPTER 917

An act to amend Sections 6272 and 6274 of the Harbors and Navigation Code, relating to the powers of port districts.

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 6272 of the Harbors and Navigation Code is amended to read:

6272. Contracts for the doing of work or the purchasing of supplies, the cost of which exceeds three thousand dollars ($3,000), shall be let by the board upon competitive bidding.

Port district contracts
Bids

Notice

Notice of the proposed letting of contract shall be given by publication at least once in a paper published in the county in which the district is located, at least five days before the time fixed for opening bids. Bidding shall be by sealed proposals filed with the district, upon forms furnished by it, and under such rules and regulations as the board may prescribe. All bids shall be publicly opened and declared and the award of the contract shall be made in open session of the board to the lowest and best responsible bidder.

SEC. 2. Section 6274 of said code is amended to read:

Delegation of power

6274. The board may delegate to its officers the execution of contracts in which the amount involved is less than three thousand dollars ($3,000).

CHAPTER 918

An act to amend Sections 9605, 9851, 9854, 9881, 9927, 10251, 10278 and 10406 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 9605 of the Revenue and Taxation Code is amended to read:

"Motor vehicle"

9605. "Motor vehicle" includes any automobile, truck, tractor, or other self-propelled vehicle used for the transportation of persons or property upon the public highways, otherwise than upon fixed rails or tracks, and any trailer, semitrailer, dolly, or other vehicle drawn thereby.

SEC. 2. Section 9851 of the said code is amended to read:

Tax due date

9851. The tax imposed by this part is due and payable monthly on or before the twenty-fifth day of the month following each calendar month during which taxable operations occur.

SEC. 3. Section 9854 of the said code is amended to read:

Extension of time

9854. The board for good cause may extend for not to exceed 30 days the time for making any return or payment required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any operator to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 4. Section 9881 of the said code is amended to read:

Notice of deficiency

9881. Except in the case of fraud, intent to evade this part or authorized rules and regulations, failure to make a return or claim for additional amount pursuant to Section 9927, every notice of a deficiency determination shall be mailed to the oper-

ator within three years after the date the return was due or within three years after the return of the operator is filed, whichever period expires the later. If an operator fails to make a return, or the board fails to make a claim for additional amount pursuant to Section 9927, the notice of determination shall be mailed within seven years after the date the return was due.

SEC. 5. Section 9927 of the said code is amended to read:

Hearing

9927. If a petition for redetermination is filed within the 15-day period, the board shall reconsider the determination and, if the operator has so requested in his petition, shall grant the operator an oral hearing and shall give him 10 days notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

Revision of amount

The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing

SEC. 6. Section 10251 of the said code is amended to read:

Credit for excess payment

10251. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person from whom it was collected. If the State Board of Control approves, the excess shall thereupon be credited on any taxes then due from the operator under this part, and the balance shall be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

SEC. 7. Section 10278 of the Revenue and Taxation Code is hereby amended to read:

Statute of limitation

10278. No action may be instituted more than one year after the last day prescribed for the payment of the license tax without penalty. Failure to bring suit within the year constitutes a waiver of any demand against this State on account of alleged overpayments.

SEC. 8. Section 10406 of the said code is amended to read:

Information confidential

10406. It is unlawful for the board, the Controller, or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. Information respecting the tax due from an operator may be furnished, however, to any person owning or having an interest in property subject to the lien of the tax. The Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal ar-

rangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public.

Penalty

Any violation of this section is a misdemeanor and is punishable by a fine not exceeding one thousand dollars ($1,000), by imprisonment not exceeding one year, or by both in the discretion of the court.

CHAPTER 919

An act to add Section 214.3 to the Revenue and Taxation Code, relating to exemptions from property taxes.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 214.3 is added to the Revenue and Taxation Code, to read:

"Welfare exemption"

214.3. In the event that any property described in subdivision (6) of Section 214 shall have been used solely for charitable or hospital purposes for a minimum period of 20 years, the "welfare exemption" granted by Section 214 shall extend to such property irrespective of any reversionary provisions in the title of the property respecting liquidation, dissolution or abandonment, if the ownership, operation, use and dedication of the property are otherwise within the purview of Section 214.

CHAPTER 920

An act to amend Sections 5658 and 5666 of the Public Resources Code, relating to park, recreation, and parkway districts.

In effect September 9, 1953

[Approved by Governor May 23, 1953. Filed with Secretary of State May 23, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5658 of the Public Resources Code is amended to read:

Board of trustees. Duties

5658. The board of district trustees shall

(a) Make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the property, improvements and facilities under its management and belonging to the district.

(b) Employ and pay persons necessary properly and adequately to maintain and operate the property, improvements and facilities under its control. The board may employ personnel at the pleasure of the board or by contract, and may estab-

lish a merit system, retirement privileges and provide for other employment practices either directly or through contractual arrangement with the State or other public agencies.

(c) Purchase, or otherwise acquire, such real property, equipment, and buildings; or erect such buildings, as in its judgment may be necessary properly to carry out the provisions of this article.

(d) Borrow money, give security therefor, purchase on contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this article, but no tax levy shall ever be made for any purpose above the maximum permitted by this article.

SEC. 2. Section 5666 of the said code is amended to read:

5666. The board of supervisors of the county in which the largest area of the district is situated is hereby constituted, ex officio, the governing body of any dissolved district, and it shall levy such taxes and assessments and perform such other acts as may be necessary to wind up the affairs of the district and to raise money for the payment of any outstanding indebtedness.

Governing body of dissolved district

CHAPTER 921

An act to amend Section 4352 of the Agricultural Code, relating to minimum wholesale prices for fluid milk and fluid cream.

[Approved by Governor May 26, 1953. Filed with Secretary of State May 26, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 4352 of the Agricultural Code is amended to read:

4352. Minimum wholesale prices, as used herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores including the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores, restaurants, confectioneries and other places for consumption on the premises but excluding, however, the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores owned or operated by such distributor. Minimum wholesale prices, as used herein, includes prices at which fluid milk or fluid cream, or both, shall be sold by distributors to other distributors, other than in bulk, which prices may vary from the minimum prices established for sales by distributors to other wholesale customers and which prices shall be known as "subdistributor prices." A subdistributor price shall be established for each marketing area and when fluid milk or fluid cream, or both, is purchased, other than in bulk, by one distributor from another distributor for sale in a marketing area other than the marketing area where purchased the price paid shall not be less than the minimum subdistributor price for the

Minimum wholesale prices

marketing area in which the fluid milk or fluid cream, or both, is ultimately sold.

CHAPTER 922

An act to add Part 7 to Division 5 of the Labor Code, comprising Sections 7800 to 7804, inclusive, relating to flammable substances.

In effect September 9, 1953

[Approved by Governor May 26, 1953. Filed with Secretary of State May 26, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Part 7 is added to Division 5 of the Labor Code, to read:

PART 7. VOLATILE FLAMMABLE LIQUIDS

"Volatile flammable liquids"

7800. "Volatile flammable liquids" as used in this part means any petroleum or liquid product of petroleum or natural gas having a flash point below 100 degrees Fahrenheit, and includes any petroleum or liquid product of petroleum or natural gas while at a temperature above its flash point. Flash points shall be as determined by means of the Tag Closed Tester, Designation D56-36 American Society for Testing Materials, or the Pensky-Martens Closed Tester, Designation D93-42 American Society for Testing Materials.

"Industrial Safety Board"

7801. "Industrial Safety Board" as used in this part means the Industrial Safety Board of the Division of Industrial Safety, Department of Industrial Relations, State of California.

General orders to be adopted

7802. The Industrial Safety Board shall adopt general orders pursuant to Section 6500, to make effective the provisions of this part.

Adequate means of extinguishment

7803. Every employer who engages in any business requiring any employee to handle or use any volatile flammable liquid or to work in the close proximity of any such liquid in sufficient quantity and under conditions affording opportunity for the person or clothing becoming ignited shall provide adequate means of extinguishment whereby such employee may extinguish flames on his person or clothing.

7804. The provisions of this part are subject to Section 6414.

CHAPTER 923

An act to amend Section 726 of the Fish and Game Code, relating to fish.

In effect September 9, 1953

[Approved by Governor May 26, 1953. Filed with Secretary of State May 26, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 726 of the Fish and Game Code is amended to read:

726 North of a line drawn east and west through Point Arguello surf perch of the family Embiotocidae may not be sold or purchased between May 1st, and July 15th. South of said line surf perch may not be sold or purchased at any time. Sale of surf perch

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CHAPTER 924

An act to add Section 714.7 to the Fish and Game Code, relating to the sale of kelp bass and sand bass.

[Approved by Governor May 26, 1953. Filed with Secretary of State May 26, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 714.7 is added to the Fish and Game Code, to read:

714.7. No kelp bass, rock bass, sand bass, or spotted bass, all of the genus Paralabrax, may be sold or purchased; except that fish of the species mentioned above may be imported into this State and sold under such rules and regulations as the commission is hereby authorized to prescribe. It is unlawful to take, possess or sell any fish less than 10½ inches in length of the species enumerated herein. Sale of kelp bass, etc

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CHAPTER 925

An act to amend Section 11010 of the Government Code, relating to repayment for services by state agencies.

[Approved by Governor May 27, 1953. Filed with Secretary of State May 27, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 11010 of the Government Code is amended to read:

11010. When a state agency, supported from the General Fund, is required to collect from any person, firm, or corporation a proportionate share of the cost of providing any service, inspection, or audit, such share shall include: Collection of state costs

(a) A proration of the cost to the State, as determined by the Department of Finance, of janitor service for the agency and of the charge for rent actually made for space occupied by the agency in a state-owned building or that would be charged such agency were it required to pay rent for such occupancy.

(b) A proration of the administrative costs of the agency, as defined in Section 11270.

(c) The pro-rata share of the cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the negligent operation of motor vehicles and arising under Section 400 of the Vehicle Code or, in the dis-

cretion of the Director of Finance, an amount which he considers equivalent to such pro-rata share to be expended by him in accordance with law in paying claims under that section and for their investigation, adjustment, defense and administration.

(d) The pro-rata cost of workmen's compensation insurance and bonds covering the officers and employees of the state agency.

(e) A proration of the State's retirement contribution for the employees engaged in providing such services, inspection or audit.

(f) A proration of the cost of Attorney General's services rendered the agency.

(g) A proration of any other costs to the State for providing such service, inspection or audit.

CHAPTER 926

An act to add Section 16277 to the Education Code, relating to the markings on school busses.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 16277 is added to the Education Code, to read:

School name on bus

16277. Notwithstanding any other provision of law to the contrary, the name or names of the particular school or schools to which a school bus conveys pupils may be painted on the side of such bus, in the manner prescribed by the State Board of Education.

CHAPTER 927

An act to amend Sections 18101, 18650, and 18654 of the Health and Safety Code, relating to auto and trailer parks.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 18101 of the Health and Safety Code is amended to read:

"Trailer coach"

18101. "Trailer coach," as used in this part, means any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the Vehicle Code, and designed or used for human habitation.

(a) A dependent trailer coach is one not equipped with a toilet for sewage disposal.

(b) An independent trailer coach is one equipped with a toilet for sewage disposal.

SEC. 2. Section 18650 of said code is amended to read:

Toilet facilities

18650. (a) For dependent trailers there shall not be less than one water closet in a separate compartment for each sex for the first 10 trailer sites or fractional part thereof not provided with a private water closet. There shall be one additional water closet for each sex in a separate compartment for every 10 additional trailer sites or fractional part thereof. In no event shall there be less than one toilet for each sex in any auto and trailer court. The enforcement agency, when conditions warrant, may approve the installation and use of other types of toilet facilities. For independent trailers there shall not be less than one water closet for each sex for every 15 trailer sites or fractional part thereof.

(b) All toilet facilities for dependent trailers shall not be farther than 200 feet from each trailer site. All toilet facilities for independent trailers shall not be farther than 500 feet from each trailer site.

(c) Each toilet shall be for the exclusive use of the occupants of the camp sites in the auto and trailer park.

SEC. 3. Section 18654 of said code is amended to read:

Bathing facilities

18654. In every auto and trailer camp, shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments for every 15, or fractional part of 15 camp sites for each sex. However, in no event shall there be less than one shower for each sex. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproofed draw curtain. All shower baths or other bathing facilities provided herein shall not be farther than 200 feet from each camp site for dependent trailers, and not farther than 500 feet for independent trailers.

CHAPTER 928

An act to amend Section 373 of the Elections Code, relating to indexes of registration, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 373 of the Elections Code is amended to read:

Index of registration for elections

373. Upon demand of any Member of the Legislature or of Congress or any candidate who is to be voted for in the county, or in a city therein or in a political subdivision of either, or upon

written demand of his campaign committee, or of any committee for or against any proposed ballot measure, the county clerk shall furnish to such Member of the Legislature or of Congress or to either the candidate or his campaign committee or to the ballot measure committee no more than two copies of the printed indexes of the registration for the primary and general elections in which such Member of the Legislature or of Congress may participate as a candidate or in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents ($0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

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:

It is necessary that the indexes of registration be made available to Members of Congress so that they may report to the people in the interests of better government, to educate the people in the governmental process, and to inform the people of matters pending before Congress. In this regard, it is for the welfare of the people of the State that Members of Congress have the addresses of the voters to write them on such matters. For these reasons, it is necessary that this act take effect immediately while the present Congress is in session.

CHAPTER 929

An act to amend Sections 31552, 31645, 31652, 31652.1, 31676.9, and 31679 of, to add Section 31681.1 to, and to repeal Sections 31583, 31624, 31633, and 31679.1 of, the Government Code, relating to county retirement systems.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 31552 of the Government Code is amended to read:

Membership: Date

31552. All existing officers and employees of the county become members of the association on the day the retirement system becomes operative, and thereafter each person entering the county employ becomes a member on the first day of the calendar month after his entrance into the service.

SEC. 2. Section 31645 of said code is amended to read:

Credit for prior service

31645. Except as provided in Section 31648 credit for prior service, whether interrupted or not, shall be granted to each person who has rendered such service as defined in or pursuant to this chapter, and who has become a member of the retirement system within one year after it becomes operative or at any time

prior to the effective date of this section, whichever is the later, or within six months after discharge from military service.

SEC. 3. Section 31652 of said code is amended to read:

Re-entrance into service.

31652. Any member within one year after his re-entrance into the service, or within such longer time as is provided for in regulations of the board, may redeposit in the retirement fund an amount equal to the accumulated normal contributions which he withdrew at the last termination of his membership, plus regular interest thereon from the date of re-entrance into service, in which case his rate of contribution is the same as it was prior to the last termination of his membership, and his membership is the same as if unbroken by such termination. If upon re-entering the retirement system after a termination of his membership he does not make such redeposit, he shall re-enter as a new member without credit for any previous service, and the rate of his contribution is the normal rate at his age of re-entrance.

SEC. 4. Section 31652.1 of said code is amended to read:

Prior withdrawals

31652.1. Notwithstanding any other provisions of this article, every member who is a member on the effective date of this section and who, at any time prior to that date, had withdrawn his accumulated normal contributions, and who, upon his subsequent return to county service, has not elected to redeposit such contributions, shall have the right, not later than June 30, 1954, to elect by written notice filed with the board, to pay into the retirement fund the amount of accumulated normal contributions previously withdrawn, as required under Section 31652, plus regular interest at current rates from date of his return to county service to date of payment.

SEC. 5. Section 31676.9 of said code is amended to read:

Additional pension

31676.9. In every county in which a retirement system was established prior to January 1, 1952, the prior service pension is an additional pension for members purchased by the county or district, equal to one-sixtieth of the average annual compensation earnable by him during any three years of service elected by the member at or before the time he files an application for retirement, or, if he fails to elect, during the three years immediately preceding his retirement, multiplied by the number of years of prior service credited to him.

SEC. 6. Section 31679 of said code is amended to read:

Minimum retirement allowance

31679. In every county in which a retirement system was established prior to January 1, 1953, if a member enters or has heretofore entered the retirement system with credit for prior service, and has heretofore retired or shall hereafter be retired after attaining the compulsory retirement age, or at age 65 with 20 years service, and his retirement allowance is less than one thousand two hundred dollars ($1,200) a year, exclusive of any annuity based on additional contributions, an additional amount purchased by contributions of the county or district shall be added to his combined annuity and pensions which will cause his total retirement allowance to amount to one thousand two

hundred dollars ($1,200) a year, exclusive of any annuity based on additional contributions.

SEC. 7. Section 31681.1 is added to said code, to read:

Pension increase

31681.1. (a) Notwithstanding any other provisions of this chapter, every retirement allowance payable for time commencing on the effective date of this section to any previously retired member of a superseded system not established pursuant to either Chapter 4 or Chapter 5 is hereby increased, by increase of the pension portion thereof, to the amount it would be if the previously retired member of such superseded system had been retired under the provisions of this chapter, and the provisions of this chapter, as they are in effect on the effective date of this section, had been in effect at the time of the retirement of the previously retired member, assuming that all of the service with which he was credited at the time of his actual retirement constituted prior service under this chapter.

(b) However, if such retirement allowance payable for time after the effective date of this section, as increased by subdivision (a) of this section, is less than one thousand two hundred dollars ($1,200) a year, and if the previously retired member of the superseded system (not established pursuant to either Chapter 4 or Chapter 5) was credited at the time of his retirement with 20 or more years of service, or was retired after attaining the compulsory age of retirement, an additional amount provided by contributions of the county shall be added to his retirement allowance which will cause his total retirement allowance to amount to one thousand two hundred dollars ($1,200) a year.

(c) This section does not authorize any decrease in any such retirement allowance, nor does this section give any such previously retired member of such superseded retirement system, or his successors in interest, any claim against the county for any increase in any retirement allowance paid or payable for time prior to its effective date. Calculations of retirement allowances under this section shall be made on the basis of current interest rate and mortality tables.

Repeal

SEC. 8. Sections 31583, 31624, 31633 and 31679.1 of said code are repealed.

CHAPTER 930

An act to add Section 845.3 to the Fish and Game Code, relating to nets.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 845.3 is added to the Fish and Game Code, to read:

Nets or traps as public nuisance

845.3. Any net or trap used for taking fish in violation of the provisions of this code is a public nuisance. The provisions

of Sections 845, 845.1 and 845.2 shall apply to any net or trap seized pursuant to this section.

CHAPTER 931

An act to add Section 88.5 to the Fish and Game Code, relating to fish and game districts.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 88.5 is added to the Fish and Game Code, to read:

88.5. The following shall constitute Fish and Game District 19B: The ocean waters and tidelands to high-water mark lying within the following area: Beginning at the west end of the San Pedro Breakwater, thence in an extended line following the axis of said San Pedro Breakwater, the middle breakwater and the Long Beach Breakwater to the east end of the latter, thence to the outer end of the west jetty of Anaheim Bay, thence to the outer end of Seal Beach Pier, thence to the outer end of Belmont Pier, thence to the outermost point of Rainbow Pier, thence to the outer end of the easterly Fish Harbor Extension Breakwater, and thence to the point of beginning.

Fish and Game District 19B

District 19B is an ocean district within the meaning of that term as used in Section 919. Except as otherwise provided all of the provisions of this code applicable to Districts 4 and 4½ apply to District 19B.

CHAPTER 932

An act to amend Section 511 of the Vehicle Code, relating to the regulation of speeds on state highways.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 511 of the Vehicle Code is amended to read:

511. Prima Facie Speed Limits. The speed of any vehicle upon a highway not in excess of the limits specified in this section or established as authorized in this code is lawful unless clearly proved to be in violation of the basic rule declared in Section 510 hereof.

Prima facie speed limits.

The speed of any vehicle upon a highway in excess of any of the limits specified in this section or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that any said speed in excess of said limits

did not constitute a violation of the basic rule declared in Section 510 hereof at the time, place and under the conditions then existing.

The prima facie limits referred to above are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, then only when signs have been erected giving notice thereof, in which event the speed designated on the sign shall be the prima facie limit:

(a) Fifteen miles per hour:

Passing school

(1) When passing a school building, or the grounds thereof, contiguous to the highway during school recess or while children are going to or leaving such school during opening or closing hours or while the playgrounds of any such school are in use by school children. Contiguity of a school building or grounds to the highway shall not be deemed broken by an intervening easement or right of way of any public utility, where immediately adjacent to said intervening easement, and opposite said school building or grounds, a pedestrian crossing has been established and indicated by lines or other markings on the surface of the highway and signs are erected giving notice thereof.

Grade crossings

(2) When traversing a grade crossing of a steam, electric or street railway, if during the last 100 feet of the approach to such crossing the driver does not have a clear and unobstructed view of such crossing and of any traffic on such railway for a distance of 400 feet in both directions along such railway.

Curves

(3) When approaching or upon a curve or any other part of a highway in the event the driver's view is obstructed within a distance of 100 feet along the highway in the direction in which such driver is proceeding.

Highway intersections

(4) When traversing any intersection of highways if during the last 100 feet of his approach to such intersection the driver does not have a clear and unobstructed view of such intersection and of any traffic upon all of the highways, entering such intersection for a distance of 100 feet along all such highways, except on a through highway or at a traffic-controlled intersection.

(b) Twenty-five miles per hour:

Business district

(1) In any business or residence district.

(2) When upon the grounds of any public school, state university, state college, state, county, or municipal institution or building, veterans' home, or United States Veterans' Administration facility.

Highway bordering state hospital, etc

(3) Upon a highway bordering upon the grounds of any state hospital, veterans' home or United States Veterans' Administration facility when signs giving notice of the speed limit have been erected. The authority having jurisdiction over the highway may erect such signs whenever considered necessary for the protection of life or property.

Highways within public parks

(4) Upon that portion of any highway within or bordering upon any public park which passes through or borders upon any public playground or passes any building or other place of public assemblage when signs giving notice of the speed limit have been erected. The authority having jurisdiction over the high-

way may erect such signs whenever considered necessary for the protection of life or property.

(c) Fifty-five miles per hour under all other conditions unless a different speed is established as provided in this code and signs are in place giving notice thereof. Other conditions

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CHAPTER 933

An act to amend Sections 12470 and 12474 of the Government Code, relating to a uniform state pay roll system.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 12470 of the Government Code is amended to read:

12470. In conformity with the accounting system prescribed by the Department of Finance pursuant to Section 13290, the Controller shall install and operate a uniform state pay roll system for all state agencies, except the University of California. The Controller may provide for the orderly inclusion of state agencies into such system, and may make exceptions from the operation thereof for such periods as he determines necessary. Uniform pay roll system

SEC. 2. Section 12474 of said code is amended to read:

12474. The Controller shall establish and maintain a pay roll roster of all persons employed by every state agency except the University of California and may establish and maintain a roster of all established positions. The pay roll roster shall include both civil service and exempt employees, but shall not necessarily include emergency appointees or the equivalent Pay roll roster

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CHAPTER 934

An act to amend Section 1015 of the Fish and Game Code, relating to fish, providing for a privilege tax in relation thereto

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1015 of the Fish and Game Code is amended to read:

1015. Except as otherwise provided herein, every person operating under a license as provided in this article shall, in addition to the license fee, pay a privilege tax of five cents ($0.05) for each hundred pounds, or fraction thereof, of fish other than salmon, purchased, received or taken by him. Persons Privilege tax

who receive salmon from fishermen shall, in addition to any other license fee imposed by this code, pay a privilege tax of one-half cent ($0.005) per pound based on the weight of the salmon in the round. Fish, excepting salmon, and excepting mollusks and crustaceans, so taken or received, which are utilized for human consumption in a fresh state, shall not be subject to a privilege tax.

CHAPTER 935

An act to amend Sections 14632 and 14639 of the Education Code, relating to the State Teachers' Retirement System in respect to the amounts of retirement allowances payable thereunder.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 14632 of the Education Code is amended to read:

Retirement allowances

14632. Upon retirement for service, a retired member shall receive a retirement allowance which shall consist of:

(a) Subject to the next sentence, a retirement salary derived from the Permanent Fund, payable monthly in an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed 30 years, bears to 30 years. If retirement is at an age less than 60 years and with credit for less than 30 years of service, a member shall receive a retirement salary actuarially equivalent to the value at the lesser age of the retirement salary calculated under the preceding sentence, on the basis of service credited at the effective date of retirement, deferred to the age of 60 years. The retirement salary shall be subject to the deductions provided in Section 14476, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the salary earned by him in service rendered by him after July 1, 1944, not counting so much of such salary as exceeds three thousand dollars ($3,000) for each school year prior to July 1, 1947, and five thousand dollars ($5,000) for each school year after June 30, 1947, and prior to July 1, 1952, and not counting any salary earned in service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14635.

(c) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of credited service rendered by him prior to July 1, 1944, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14636.

(d) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14637, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, based on service rendered prior to July 1, 1944, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance, prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of salary earned after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

SEC. 2. Section 14639 of said code is amended to read:

Retirement for disability

14639. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of:

(a) A retirement salary derived from the Permanent Fund, payable monthly in an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited to the member bears to 30 years The retirement salary shall be subject to the deductions provided in Section 14476, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A disability annuity, derived from the Retirement Annuity Fund, computed pursuant to Section 14640.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14637, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, based on service rendered prior to July 1, 1944, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance, prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of salary earned after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allow-

ance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

Valid payments, etc.

SEC. 3. All computations and payments made by the State Teachers' Retirement System of disability retirement allowances under Section 14639 of the Education Code which would be valid if the first sentence of the last paragraph of that section, as it reads on the date this section takes effect, had been in effect at the time such computations and payments were made are hereby validated, ratified, and confirmed.

CHAPTER 936

An act to amend Sections 1300.12, 1300.15, 1300.16, and 1300.19 of the Agricultural Code, relating to administration of the California Marketing Act of 1937 and the enforcement of marketing orders thereunder.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1300.12 of the Agricultural Code is amended to read:

Definitions

1300.12. (a) "Cartwright Act" means the act passed by the Legislature of this State entitled "An act to define trust and to provide for criminal penalties and civil damages and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended.

(b) "Unfair Practices Act" means an act passed by the Legislature of this State entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended.

(c) "Agricultural commodity" means any and all agricultural, horticultural (including floricultural), viticultural (including wine) and vegetable products produced in this State, or any class, variety or utilization thereof, either in their natural state or as processed by a producer for the purpose of marketing such product or by a processor as herein defined.

and including bees and honey and manufacturing milk as such milk is defined in Section 452, Chapter 2, Division 4 of this code, but not including timber or timber products.

(d) "Producer" means any person engaged within this State in the business of producing, or causing to be produced for market, any agricultural commodity as herein defined. Same

(e) "Handler" means any person engaged within this State as a distributor in the business of distributing an agricultural commodity in intrastate commerce, or any person engaged as a processor in the business of processing an agricultural commodity.

(f) "Processor" means any person engaged within this State, in the operation of receiving, grading, packing, canning, fermenting, distilling, extracting, preserving, grinding, crushing or changing the form of an agricultural commodity for the purpose of preparing such agricultural commodity for market or of marketing such commodity, or any other activities performed for the purpose of preparing such commodity for market or of marketing such commodity, but shall not include a person engaged in manufacturing from an agricultural commodity, so changed in form, another and different product.

(g) "Distributor" means any person who engages in the operation of selling, marketing or distributing, in intrastate commerce, an agricultural commodity which he has produced or purchased or acquired from a producer or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer as herein defined except such retailer who purchases or acquires from, or handles on behalf of any producer, an agricultural commodity not theretofore subjected to regulation by the marketing order covering such commodity.

(h) "Retailer" means any person who purchases or acquires any agricultural commodity for resale at retail to the general public for consumption off the premises but such person shall also be included within the definition of distributor, as herein set forth, to the extent that he engages in the business of a distributor as herein defined.

(i) "Person" means an individual, firm, corporation, association or any other business unit, and shall, for the purposes of this chapter, include any state agency which engages in any of the commercial activities regulated pursuant to the provisions of this chapter.

(j) "Director" means the Director of Agriculture.

(k) "Marketing order" means an order issued by the Director of Agriculture, pursuant to this chapter, prescribing rules and regulations governing the processing, distributing or handling in any manner of any agricultural commodity within this State during any specified period or periods.

(l) "To handle" means to engage in the business of a handler as herein defined.

(m) "To process" means to engage in the business of a processor as herein defined.

(n) "To distribute" means to engage in the business of a distributor as herein defined.

(o) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer in preparing for market, and shall include selling, delivering or disposing of for commercial purposes, to any handler as herein defined any agricultural commodity which he has produced.

(p) "Advertising and sales promotion" means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification or removal of trade barriers which restrict the free flow of agricultural commodities to market and may include the presentation of facts to and negotiations with state, federal or foreign governmental agencies on matters which affect the marketing of any commodity or commodities included in any marketing order or marketing agreement made effective pursuant to the provisions of this chapter.

(q) As used in this chapter the terms "directly affecting" or "directly regulated or affected" shall include, in addition to any other method of regulation authorized in this chapter, the levying or collecting of any assessment under any marketing order or agreement or deducting producer assessments from any moneys owed by handlers to producers.

SEC. 2. Section 1300.15 of said code is amended to read:

Advisory board:

1300.15. (a) (1) Any marketing order issued pursuant to this chapter shall provide for the establishment of an advisory board to assist the director in the administration of any marketing order. The members of the board shall be appointed by the director and may hold office at the pleasure of the director. If the marketing order affects directly only producers of a particular commodity the members of the board shall be producers. If the marketing order affects directly only handlers of a particular commodity the members of the board shall be handlers. If the marketing order affects directly both producers and handlers of a particular commodity, such board shall be composed of both producers and handlers The number of producers or handlers upon any such board shall be of such number of producers or handlers as the director finds is necessary to assist properly in the administration of such order. Upon the recommendation of the board, the director may appoint one person who is neither a producer nor a handler to represent the Department of Agriculture or the public generally.

Compensation

(2) No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The director may authorize such board: to enter into contracts or agreements, to employ necessary personnel including attorneys engaged in the private practice of the law, fix their compensation and terms of employment; and to incur such expenses, to be paid by the director from moneys collected as herein provided, as the director may deem necessary and proper to enable such board properly to perform such of its duties as are authorized

herein. The duties of any such board shall be administrative only and may include only the following: Duties of board

a. Subject to the approval of the director to administer such marketing order.

b. To recommend to the director administrative rules and regulations relating to the marketing order.

c. To receive and report to the director complaints of violations of the marketing order.

d. To recommend to the director amendments to the marketing order.

e. To assist the director in the assessment of members of the industry and in the collection of funds to cover expenses incurred by the director in the administration of the marketing order.

f. To assist the director in the collection of such necessary information and data as the director may deem necessary to the proper administration of this chapter.

(3) In addition to the advisory board there may be established one or more special committees or subcommittees to assist the advisory board in carrying out its duties and functions. Upon approval of the director each advisory board may establish committees or subcommittees to carry out assigned duties and functions and designate the members or alternate members of the board to serve upon such committees. If the marketing order so authorizes or upon recommendation of the board, the director may authorize the establishment of special committees or subcommittees of persons who are not members or alternate members of the board to perform specific duties and functions; provided, that the members and alternate members of any such special committee or subcommittee shall be appointed by the director. Committees, etc.

Any action of any committee, special committee or subcommittee of the board shall be subject to final approval by the board. Members and alternate members of any committee, special committee or subcommittee whether by appointment or approval of the director shall be entitled to reimbursement for actual expenses incurred while acting in their authorized capacities.

(b) Subject to the legislative restrictions and limitations set forth herein any marketing order issued by the director pursuant to this chapter may contain any or all of the following provisions for regulating or providing methods for regulating producer marketing or the handling or any of the operations of processing or distributing by handlers of any agricultural commodity within this State, but no others: Provisions of marketing order

(1) Provisions for determining the existence and extent of the surplus of any agricultural commodity, or of any grade, size or quality thereof, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers, processors, distributors or other handlers affected. Notwithstanding any other appropriate means of equalizing the burden of surplus Surplus, etc

control and the elimination thereof as provided in this chapter, provision may be made for the creation of a stabilization fund to be used for purchasing or otherwise acquiring any portion of the surplus of any agricultural commodity either in fresh or processed form, except when processed in hermetically sealed containers, and for the diversion of such surplus quantity of such commodity so acquired into noncompetitive or by-products uses or for disposing of such surplus in noncommercial channels. Moneys for such stabilization fund shall be provided by means of the establishment of an assessment rate for such purpose levied upon producers or handlers or upon both producers and handlers. Such assessment rate shall be based upon the units in which such agricultural commodity is handled or marketed or upon any other uniform basis which the director determines to be reasonable and equitable. For convenience of collection, the director may collect any producer assessments from handlers of such commodity. Handlers paying such assessments for and on behalf of any producers are authorized to deduct such producer assessments from any moneys owed by such handlers to such producers.

Stabilization fund

Assessment rate

Limitation on quantity to be marketed

(2) Provisions for limiting the total quantity of any agricultural commodity, or of any grade, size or quality thereof, which may be marketed by producers or processed, distributed or otherwise handled within this State during any specified period or periods, by any and all persons engaged in such producer marketing, processing, distributing or handling; provided, that any such limitation shall be applied under a uniform rule applicable to all such persons so regulated. The total quantity of any such commodity so regulated and permitted to be marketed by producers, processed, distributed or otherwise handled, shall not be less than the quantity which the director finds is reasonably necessary to supply the market demands of consumers of such commodity.

Allotment of quantity acquired from producer

(3) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may purchase or acquire from, or handle on behalf of, any and all producers thereof, within this State during any specified period or periods under a uniform rule, applicable to all handlers so regulated based upon the amounts produced or sold by such producers in a prior period which the director finds to be representative, or upon the current season's production or sales of such producers, or both, to the end that the total quantity of such commodity or of any grade, size or quality thereof, so purchased or handled within this State shall be apportioned equitably among the producers thereof.

Allotment of quantity handled

(4) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may process, distribute or handle within this State under a uniform rule, applicable to all handlers so regulated, based upon the quantities of such commodity or of any grade, size or quality thereof of the current season's crop which each such handler has available for such processing, distribution or

handling, or upon the quantities of such commodity or of any grade, size or quality thereof so processed, distributed or handled by each such handler in a prior period which the director finds to be representative, or based upon both, to the end that the total quantity of such commodity or any grade, size or quality thereof, processed, distributed or handled within this State during any specified period or periods shall be equitably apportioned among all such handlers thereof.

(5) Provisions regulating the period, or periods, during which any agricultural commodity, or any grade, size or quality of such commodity, may be processed, distributed or otherwise marketed within this State by any and all persons engaged in such processing, distributing or marketing within this State; provided, that the total quantity of such commodity so regulated and permitted to be processed, distributed or otherwise marketed during such period or periods, shall not be less than the quantity which the director finds is necessary to reasonably supply the needs of consumers of such commodity. Period for handling or marketing

(6) Provisions for the establishment of surplus, stabilization, or by-product pools for any agricultural commodity or of any grade, size, quality or condition thereof, and providing for the sale of the commodity in any such pool and for the equitable distribution among the persons participating therein of the net returns derived from the sale of such commodity. Whenever the marketing order authorizes the establishment of any such pool or pools the advisory board shall have power to receive such commodity from each producer or handler and to handle the same according to the grade, size, quality or condition thereof and to account to each producer or handler participating therein upon a pro rata basis for the net proceeds derived from the sale thereof. Surplus etc pools

The contents of any surplus pool shall not be marketed by the board in any form which would compete directly with that portion of the commodity which is marketed in regular channels of trade However, any portion of any surplus pool may be transferred by the board upon any gratuitous basis to charitable organizations and other similar agencies under proper safeguards to insure that none of such commodity shall compete directly with the unrestricted portion of such commodity. The board may dispose of the contents of a stabilization pool in the regular marketing channels in such manner and at such times as the board deems advisable, consistent with the maintenance of stabilized marketing conditions for such commodity. The board may dispose of the contents of any by-product pool only for by-products or for other similar purposes under proper safeguards to prevent such portion of the commodity so disposed of from directly competing with that part of the commodity which is marketed in the usual form or in the regular channels of trade.

Whenever the marketing order authorizes the establishment of a surplus, stabilization, or by-product pool, the board shall have authority to arrange for and operate any necessary facili- Facilities for storing financing, etc

ties for the storing, financing, grading, packing, servicing, processing, preparing for market, selling, and disposing of the contents of any pools provided for in this section; provided, however, the board shall not have authority to engage in commercial warehousing.

Pledge for loans

The board shall have power to pledge all of the commodity in any such pools with banks or other lending agencies for the purpose of obtaining loans thereon. The board shall have title, for the purpose of financing and handling, to all of the commodity in any such pools.

Equalization fund

Whenever the marketing order authorizes the establishment of any type of pool authorized in this section, the board shall have authority to create, by a uniform assessment upon producers, or upon some other uniform and equitable basis, maintain, and disburse an equalization fund to be used for the removal of any inequalities between producers or handlers participating in any pool resulting from errors in estimating production or surplus or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets or diverted to by-products, relief, or other noncompetitive purposes pursuant to the provisions of the marketing order.

Uniform grading and inspecting

(7) Provisions establishing or providing for establishing with respect to any agricultural commodity either as delivered by producers to handlers or processors, or as handled, processed, or otherwise prepared for market, or as marketed by producers, handlers or processors: (A) grading standards of quality, condition, size, maturity or pack, which standards may include minimum standards provided the standards so established shall not be established below any minimum standards prescribed by law for such commodity; and (B) uniform inspection and grading of such commodity in accordance with the standards so established.

Advertising

(8) Provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for agricultural commodities grown in the State of California, or for the prevention, modification or removal of trade barriers which obstruct the free flow of agricultural commodities to market. The director is hereby authorized to prepare, issue, administer and enforce plans for promoting the sale of any agricultural commodity.

Particular brands, etc

Provided, that any such plan shall be directed toward increasing the sale of such commodity without reference to a particular brand or trade name, and

False claims

Provided further, that no advertising or sales promotion program shall be issued by the director which shall make use of false or unwarranted claims in behalf of any such product, or disparage the quality, value, sale or use of any other agricultural commodity.

Unfair trade practices

(9) Provisions relating to the prohibition of unfair trade practices. In addition to the unfair trade practices, now prohibited by law, applicable to the processing, distribution or

handling of agricultural commodities within this State, the director is hereby authorized to include in any marketing order issued hereunder provisions designed to correct any trade practice affecting the processing, distributing or handling of any agricultural commodity within this State which the director finds, after a hearing thereupon in which all interested persons are given an opportunity to be heard, is unfair and detrimental to the effectuation of the declared purposes of this chapter.

Production adjustment benefits

(10) Provisions for the application for, review, certification and equitable payment of, production adjustment benefits to growers from funds collected for such purpose on a uniform basis from all commercial growers of any agricultural commodity in the State, for which production adjustment payments are made. Such funds may be supplemented by funds, if any, received from federal, state or other agencies for such purpose.

Limitation

No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by state or federal agencies or such other data as the director deems to be representative and reliable.

Research studies

(11) Provisions for carrying on research studies in the production, processing or distribution of any agricultural commodity and for the expenditure of moneys for such purposes. In any research in production or processing carried on hereunder, the Dean of the College of Agriculture of the University of California and the advisory board provided for in Section 1300.15 hereof shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said College of Agriculture, but if the dean of said college and the advisory board determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the advisory board.

Additional powers of director

(c) In addition to authority to issue marketing orders regulating the processing or preparation for marketing of any or all portions of any agricultural commodity processed within this State, and in addition to authority to issue marketing orders regulating the distribution of any or all portions of any agricultural commodity within this State and subject to the legislative restrictions and limitations of Section 1300.14 of this chapter, the director may also issue marketing orders regulating the handling, processing, preparation for marketing or marketing of any or all portions of any agricultural commodity produced in this State for which marketing regulatory

powers are not being exercised by the Federal Government under the provisions of the Marketing Agreement Act of 1937, as amended, being Public Law No. 137, Seventy-fifth Congress, Chapter 296, First Session, 7 U. S. C. A. 674, 50 Statute 249.

SEC. 3. Section 1300.16 of said code is amended to read:

Handler's assent

1300.16. (a) (1) No marketing order or major amendment thereto, directly affecting handlers, issued pursuant to this chapter, shall become effective unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by the handlers engaged in the marketing activity or activities regulated by such marketing order who handle not less than sixty-five percent (65%) of the volume of the agricultural commodity regulated thereby which is processed or distributed within the area defined in such marketing order or amendment thereto, or that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the number of handlers engaged in the marketing activity or activities regulated by such marketing order; provided, however, that any marketing order or major amendment thereto directly affecting processors engaged in the operation of canning of fresh fruits or vegetables or canning or packing of dried fruits shall not be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto who processed not less than sixty-five percent (65%) of the volume of such agricultural commodity which is processed within the area defined in such marketing order or amendment thereto and by sixty-five percent (65%) of the number of such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto.

Producer's assent

(2) No marketing order or major amendment thereto, directly affecting producers or producer marketing, issued pursuant to this chapter, shall be made effective by the director unless and until the director finds one or more of the following: (A) That such marketing order for amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the producers who are engaged, within the area specified in such marketing order or amendment thereto, in the production for market or engaged in such producer marketing, of not less than fifty-one percent (51%) of the agricultural commodity specified therein in commercial quantities, or (B) that such marketing order or amendment thereto has been assented to in writing by producers who produce not less than sixty-five percent (65%) of the volume of such agricultural commodity and by fifty-one percent (51%) of the total number of producers so engaged, or (C) that such marketing order or amendment thereto has been approved or favored by producers in a referendum among producers directly affected if the valid votes cast in such referendum in favor of such marketing order or amendment thereto represent not less than fifty-one percent

(51%) of the total number of producers of said commodity of record with the department who marketed not less than fifty-one percent (51%) of the total quantity of said commodity marketed in the next preceding marketing season by said total number of producers of record with the department. Whenever any marketing order or any major amendment to any marketing order is issued by the director, he shall determine whether assent, approval, or favor thereto of the producers shall be by written assents or by referendum.

Referendum

If the director determines that a referendum shall be had, he shall establish a referendum period of sixty (60) days. At the close of such referendum period, the director shall count and tabulate the ballots filed during said period. If from such tabulation the director finds that the number of producers voting in favor of such marketing order or amendment thereto is not less than fifty-one percent (51%) of the total number of producers of record with the department and that such producers who voted in favor of said marketing order or amendment thereto marketed not less than fifty-one percent (51%) of the total volume of such commodity marketed by all producers of record with the department during the marketing season next preceding such referendum the director may make such marketing order or amendment thereto effective. If he finds from the tabulation of such referendum that the number of producers who have voted in favor of such marketing order or amendment thereto is less than the required fifty-one percent (51%) of the total number of producers of record with the department or that the producers who have voted in favor of such marketing order or amendment thereto represent less than fifty-one percent (51%) of the total quantity of such agricultural commodity marketed by all producers of such commodity of record with the department during the marketing season next preceding the conducting of such referendum, or that such votes in favor represent less than fifty-one percent (51%) of the total by both number of producers and quantity of the commodity, the director may extend the period of such referendum for not exceeding thirty (30) days. At the close of such extended period the director shall again count and tabulate all ballots received during the entire period of referendum and he shall be authorized to make such marketing order or amendment thereto effective if he finds that not less than fifty-one percent (51%) of the total number of producers of such commodity of record with the department have voted in favor of such marketing order or amendment thereto and that such producers marketed not less than fifty-one percent (51%) of the total quantity of such commodity marketed by all producers of record with the department during the marketing season next preceding the conducting of such referendum. The director is authorized to prescribe such additional procedures as may be necessary to conduct such referendum.

Assent by cooperatives

(3) In finding whether such marketing order or major amendment thereto is assented to in writing or approved or

favored by producers pursuant to the provisions of this chapter, the director shall consider the approval of any nonprofit agricultural cooperative marketing association, which is authorized by its members so to assent, as being the assent, approval or favor of the producers who are members of, or stockholders in, such nonprofit agricultural cooperative marketing association.

Public hearings

(4) At each public hearing upon a marketing order or a major amendment thereto, the director shall receive testimony or evidence relative to the period of time which may be necessarily required for the filing, checking, and tabulating of written assents prescribed in this section. At the conclusion of each such hearing the director shall make a finding, based upon the evidence and testimony so received, with respect to the period of time which may be reasonably and necessarily required for such filing, checking and tabulating. On the basis of such finding the director shall fix and limit the period during which such assents may be received by the director and such period shall be announced by the director at the time of mailing of assent forms to producers and handlers affected; provided, however, that if the director finds that an extension of such period is reasonably warranted he may extend such period for receiving assents.

Extension

Finding re written assent or referendum After public hearing

At a public hearing held to consider a proposed marketing order or major amendments to an existing marketing order which directly affects producers or producer marketing, the director shall also receive testimony or evidence from which he can determine whether the assent, approval or favor of such producers shall be determined by written assents or by referendum as hereinabove prescribed. Upon the conclusion of any hearing which involves a marketing order or a major amendment thereto directly affecting producers or producer marketing, the director shall make a finding, based upon testimony and evidence received, whether producer assent, approval or favor shall be determined by written assents or by referendum. If the director finds that a referendum shall be had, he shall direct that a referendum be held in accordance with the provisions of subdivision (a) (2) of this section. If a referendum is conducted, the director shall not be required, with respect to the assent, approval or favor of producers, to make a finding concerning or fix and limit the period during which assents may be received by the director.

Referendum

Regulation of producer marketing, etc.

(b) Subject to the provisions, restrictions and limitations imposed herein, the director may issue marketing orders regulating producer marketing, the processing, distributing or handling in any manner of agricultural commodities by any and all persons engaged in such producer marketing, processing, distributing or handling of such agricultural commodities within this State.

Suspension or termination of marketing order

(c) The director shall suspend or terminate any marketing order, whenever he finds, after a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, that such marketing order is contrary to or does not tend to effectuate the declared purposes or provisions of

this chapter within the standards and subject to the limitations and restrictions herein imposed; provided, that such suspension or termination shall not become effective until the expiration of the marketing season then current. If the director finds that the termination of any marketing order is requested in writing by more than forty percent (40%) of the producers, who are engaged within the State of California in the production for market of the agricultural commodity specified in such marketing order, and who produce forty percent (40%) of the volume of such agricultural commodity produced within the State of California for market, and finds that the termination of such marketing order is requested in writing by handlers who handle more than forty percent (40%) of the volume of the agricultural commodity covered thereby and by more than forty percent (40%) of the number of handlers of the agricultural commodity covered thereby, the director shall, if he finds such marketing order is contrary to or does not tend to carry out the declared policy of this chapter, terminate such marketing order; provided, that such termination shall be effective only if announced on or before such date (prior to the end of the marketing period then current) as may be specified in such marketing order.

Amendment of marketing order Minor amendments

(d) Upon the recommendation of not less than seventy-five percent (75%) of the producer members or handler members of the advisory board, or not less than seventy-five percent (75%) of each group if both are represented upon the advisory board, the director may make effective minor amendments to a marketing order. The director may require a public hearing upon minor amendments if in his opinion the substance of such minor amendments so warrant; the director shall, however, not be required to submit minor amendments for written assents or referendum approval.

Major amendments

Scope

In making effective major amendments to a marketing order the director shall follow the same procedures prescribed in this chapter for the institution of a marketing order. For the purposes of this chapter a major amendment to a marketing order shall include but not be limited to any amendment which adds to or deletes from any such marketing order any of the following types of regulations or authorizations:

(1) Authority for determining the existence and extent of the surplus of any agricultural commodity or of any grade, size or quality thereof and providing for the control and disposition of such surplus and for equalizing the burden of such surplus elimination and shall also include the establishment of a stabilization fund for equalizing surplus obligations.

(2) Authority for limiting the total quantity of any agricultural commodity or of any grade, size or quality thereof which may be prepared for market or marketed within the State of California.

(3) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any

handler may purchase or acquire from or handle on behalf of any and all producers thereof within the State of California.

(4) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any handler may process, distribute or handle within the State of California.

(5) Authority for regulating the period or periods during which any agricultural commodity or any grade, size or quality of such commodity may be processed, distributed or otherwise marketed within the State of California.

(6) Authority for the establishment of surplus, stabilization, or by-product pools for any agricultural commodity or of any grade, size, quality or condition thereof

(7) Authority for the establishment of uniform grading and inspection of any agricultural commodity and the establishment of grading standards of quality, condition, size or pack of such commodity.

(8) Authority for the establishment of plans for advertising and sales promotion of any agricultural commodity.

(9) Authority to prohibit unfair trade practices.

(10) Authority for the establishment of production adjustment requirements and benefit payments relating thereto

(11) Authority for carrying out research studies in the production, processing or distribution of any agricultural commodity.

(12) Authority to increase an assessment rate beyond the maximum rate authorized by the marketing order in effect.

(13) Authority to extend the application of the provisions of any marketing order to portions or uses of an agricultural commodity not previously subject to such provisions or to restrict or extend the application of such provisions upon the producers or handlers of such portions or uses of any such commodity.

Modification of any provisions of any marketing order in effect for the purpose of clarifying the meaning or application of such provisions or modifying administrative procedures for carrying out such provisions are hereby declared not to be a major amendment of such marketing order.

Public notice of issuance, suspension etc., of marketing order

(c) Upon issuance of any order making effective a marketing order, or any suspension, amendment or termination thereof, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office and a copy of such notice shall be published in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. No marketing order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five (5) days from the date of such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said issuance to all persons, directly affected by the terms of such marketing order, suspension, amendment or termination, whose names and addresses may be on file in the office of the

Effective date

director and to every person who files in the office of the director a written request for such notice.

(f) The director shall have power, consistent with this chapter and in accordance with the provisions of marketing orders and agreements made effective hereunder, to establish such general rules and regulations for uniform application to all marketing orders and marketing agreements issued hereunder as may be necessary to facilitate the administration and enforcement of such marketing orders and agreements. The provisions of paragraph (e) of this section relative to posting, publication, and time of taking effect shall be applicable to any such general rule or regulation established pursuant to this paragraph and applicable to marketing orders generally. Such notice shall be mailed to the advisory board for each marketing order or marketing agreement in active operation. Rules and regulations

(g) Upon recommendation of the advisory board concerned, the director shall have power, consistent with this chapter, to establish administrative rules and regulations for each marketing order or marketing agreement issued and made effective as may be necessary to facilitate the administration and enforcement of each such order or agreement. The provisions of paragraph (e) of this section relative to posting, publication, mailing of notice and time of taking effect shall be applicable to any such administrative rules and regulations.

(h) Upon recommendation of the advisory board concerned, the director shall have power, consistent with the provisions of this chapter, to issue and make effective seasonal marketing regulations authorized by the provisions of any marketing order or marketing agreement issued and made effective hereunder and necessary to carry out and make effective the purposes and provisions of any such marketing order or agreement. Notice of any such regulations issued by the director shall be given to all producers and handlers directly affected in the manner and within the time required as specified in each such marketing order or agreement or as specified in administrative rules and regulations effective for each such marketing order or agreement as authorized in paragraph (g) hereof.

SEC. 4. Section 1300.19 of said code is amended to read:

1300.19. The Director of Agriculture shall be responsible for the administration and enforcement of this chapter. Enforcement

The following penalties, remedies, procedures and actions shall apply in instances of violations and complaints of violations of the provisions of this chapter or of any marketing order or the rules and regulations issued by the director under the authority of this chapter or any marketing order issued and effective thereunder:

(a) Every person who violates any provision of this chapter or any provision of any marketing order duly issued by the director hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50), nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than six Penalty

months, or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense.

(b) Any person who violates any provision of this chapter or any marketing order duly issued by the director and in effect hereunder, or who violates any rule or regulation issued by the director pursuant to the provisions of this chapter or of any marketing order duly issued by the director and effective hereunder, shall be liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation thereof. Any moneys recovered pursuant to this paragraph shall be deposited in accordance with paragraph (f) of Section 1300 17.

Civil liability

Complaint

(c) The director on his own motion may or upon complaint of any interested party charging violation of any provision of this chapter or of any provision of any marketing order or any rule or regulation issued by the director and effective hereunder, shall either refer the matter directly to the Attorney General of this State or any district attorney of this State for the institution of legal proceedings thereupon, or, if the director deems it necessary or advisable, he shall immediately call an administrative hearing to consider the charges set forth in such verified complaint. In case the matter is referred directly by the director to the Attorney General or any district attorney, it shall be the duty of such officer, if, after examination of the complaint and evidence he believes that a violation has occurred, to thereupon bring an appropriate action or actions in a court or courts of competent jurisdiction in this State.

Hearing

(d) In case an administrative hearing is called by the director, the director shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon the person or persons named as respondent or respondents in such verified complaint. Such service shall be made at least 10 days before said hearing, which shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, or in the nearest office of the State Department of Agriculture, at the discretion of the director. At the time and place designated for such administrative hearing, the director or his agents shall hear the parties to said complaint and shall enter in the office of the director at Sacramento, his findings based upon the facts established at such hearing. If from the testimony and evidence adduced at said administrative hearing the director finds that no violation has occurred he shall forthwith dismiss such complaint and notify the parties to such complaint.

Prosecution by director

(e) If the director finds from said administrative hearing that a violation has occurred he shall so enter his findings and notify the parties to such complaint In his discretion the director shall either refer the matter to the Attorney General for the institution of legal proceedings or he may notify such parties to cease and desist from further violation. Upon their refusal or failure to comply, or if he finds that the facts or cir-

cumstances warrant immediate prosecution, the director shall file a complaint with the Attorney General or any district attorney of this State requesting that such officer commence any or all actions authorized in this section against such respondent or respondents in a court of competent jurisdiction as set forth hereinafter.

Other court actions

(f) The Attorney General of this State, or any district attorney of this State, shall upon complaint by the director or any other person, or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action for criminal penalties in the name of the people of this State in any court of competent jurisdiction in the State of California against any person violating any provisions of this chapter or of any marketing order duly issued by the director and effective hereunder.

(g) The Attorney General of this State shall upon complaint by the director or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action in the name of the people of this State in the superior court of the State of California for civil penalties or for an injunction, or both, against any person violating any provisions of this chapter or of any marketing order or any rule or regulation duly issued by the director hereunder.

Injunction

(h) Upon compliance with Section 527 of the Code of Civil Procedure of the State of California, the court may issue a temporary restraining order and preliminary injunction as in other actions for injunctive relief and upon trial of such action, if judgment be in favor of plaintiff, the court shall permanently enjoin defendant from further violations.

Costs of suit

(i) In any suit brought by the Attorney General to enforce any of the provisions of this chapter or of any marketing order issued by the director and effective hereunder or of any rule or regulation issued by the director pursuant to the provisions of any marketing order, the judgment, if in favor of the State, shall provide that the defendant pay to the director the costs incurred by the director and by the advisory board concerned with the administration of such marketing order in the prosecution of such action. Any moneys recovered shall be deposited in accordance with paragraph (f) of Section 1300.17.

Venue

(j) Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complained of occurred.

Unauthorized use of labels, emblems, etc

(k) Whenever the use by a producer or handler of a particular emblem, label, certificate or other distinctive designation of grade, quality or condition other than grade or other quality designations then in effect pursuant to state or federal grade standards is made contingent upon compliance with certain production or handling regulations authorized by the provisions of a marketing order or agreement issued and made effective hereunder, it shall be unlawful and a violation of this chapter for any person, who is not participating in and com-

plying with such order, agreement or regulations to use such designation of grade, quality or condition.

(*l*) It shall be a misdemeanor for:

Acts constituting misdemeanor

(1) Any person to wilfully render or furnish a false or fraudulent report, statement or record required by the director pursuant to the provisions of this chapter, or any marketing order effective thereunder;

(2) Any person engaged in the handling or processing of an agricultural commodity or in the wholesale or retail trade thereof to fail or refuse to furnish to the director or his duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received an agricultural commodity regulated by a marketing order issued and in effect hereunder, and the quantity of such commodity so received.

(m) The penalties and remedies prescribed in this section with respect to any violation mentioned in this section shall be concurrent and alternative and neither singly nor combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal or administrative rights, remedies, forfeitures or penalties provided or allowed by law with respect to any such violation.

Inspection of agricultural commodities

(n) Any authorized inspector or other authorized person discharging his duties in the checking of compliance with the provisions of any marketing order made effective pursuant to this chapter may enter and inspect any premises, enclosure, building or conveyance where he has reason to believe any agricultural commodity subject to a marketing order is produced, stored, being prepared for market or marketed, and inspect or cause to be inspected such representative samples of the commodity as may be necessary to determine whether or not any lot of said commodity is in compliance with applicable regulations of any marketing order made effective pursuant to the provisions of this chapter.

Impounding for inspection purposes

(o) Any enforcing officer of the department in the discharge of his duties, if he has reason to believe that a lot of any agricultural commodity subject to a marketing order is not in compliance with the requirements of such marketing order, or of marketing rules and regulations issued pursuant thereto, as to size, pack, grade, other quality specifications, labeling or markings, may hold such lot for a reasonable period of time sufficient to enable such officer to ascertain whether such lot complies with such requirements, but in any event not to exceed 72 hours. Any such lot which is found not to be in compliance with such requirements is hereby declared to be a public nuisance, and may be held by the officer for an additional time, pending proceedings to condemn and abate such nuisance, as herein provided.

Public nuisance

Notices, tags, etc

The officer may affix to any lot so held an official notice, warning tag or other appropriate marking, warning that the lot is held and stating the reasons therefor. It is unlawful for any person other than an authorized inspector or enforcing

officer to detach, alter, deface or destroy any such official notice, warning tag or marking affixed to any lot or to remove or dispose of such lot in any manner or under conditions other than as prescribed in such notice, except upon written permission of an authorized enforcing officer or by order of court.

Noncompliance notices

(p) The director or the officer by whom any such lot is held shall cause notice of noncompliance to be served upon the person in possession of said lot, upon the owner if known, and upon any other person known to the officer to claim an interest therein. Such notice may be served personally or by registered mail addressed to the person to be served at his last known address.

The notice of noncompliance shall include a description of the lot, the place where and the reasons for which it is held, and shall give notice that said lot is a public nuisance and subject to disposal as provided in this subdivision (p), unless within a specified time said lot shall have been reconditioned or the deficiency otherwise corrected so as to bring said lot into compliance, or written consent shall have been given by the persons so served to destroy or otherwise dispose of said lot.

Abatement

The enforcing officer, with the written consent of all such persons so served, is hereby authorized to destroy such lot or otherwise to abate the nuisance. If any such person fails or refuses to give such consent, and the lot has not been reconditioned or the deficiency otherwise corrected so as to bring said lot into compliance within the time specified in the notice, then the enforcing officer shall proceed as provided hereinafter.

Court order

If the lot so held is perishable or subject to rapid deterioration, the enforcing officer may file a verified petition in any superior or inferior court of this State to destroy such lot or otherwise abate the nuisance. The petition shall show the condition of the lot, that the lot is situated within the county, that the lot is held, and that notice of noncompliance has been served as herein provided. The court may thereupon order that such lot be forthwith destroyed or the nuisance otherwise abated as set forth in said order

If the lot so held is not perishable nor subject to rapid deterioration, the enforcing officer shall immediately report the condition of said lot to the director Within five (5) days from the receipt of such report, the director may file a petition in the superior court in the county where the lot is situated for an order to show cause, returnable in five (5) days, why the lot should not be abated. The owner or person in possession on his own motion within five (5) days from the expiration of the time specified in the notice of noncompliance may file a petition in said court for an order to show cause, returnable in five (5) days, why said lot should not be released to petitioner and any warning tags previously affixed removed therefrom Final determination by said court in either case shall be within a period of not to exceed twenty (20) days from the date said petition was filed.

The court may enter judgment ordering that said lot be condemned and destroyed in the manner directed by the court or relabeled, or denatured or otherwise processed, or sold or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. In the event of sale by order of court, the costs of storage, handling and reconditioning or disposal shall be deducted from the proceeds of sale and the balance, if any, paid into court for the owner.

Effect of disposal

(q) Disposal of any lot or portion of any lot pursuant to the provisions of this section whether such disposal be by arrangement with an enforcement officer or by court order shall not waive any of the penalty provisions of this chapter.

CHAPTER 937

An act to amend Section 7536 of the Business and Professions Code, relating to private investigators and adjusters.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7536 of the Business and Professions Code is amended to read:

Unlicensed assistants

7536. A licensee may employ to assist him in his business as many unlicensed persons as may be necessary, except as provided in this chapter with respect to managers, and shall at all times be legally responsible for the good conduct in the business of each person so employed. This section does not authorize any unlicensed person to perform any service of a type for which a license is required under this chapter unless he performs such services as the employee of a licensee.

CHAPTER 938

An act to amend Section 13674 of the Education Code, relating to leaves of absence.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 13674 of the Education Code is amended to read as follows:

Leaves of absence

13674. No leave of absence shall be granted to any employee under Section 13673 who has not rendered service to the district for at least seven consecutive years preceding the granting of the leave, and not more than one such leave of absence shall be granted in each seven-year period. The governing board granting the leave of absence may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of ab-

sence. Absence from the service of the district for a period of not more than one year under a leave of absence, without pay, granted by the governing board of the district for service under a nationally recognized fellowship or foundation approved by the State Board of Education, for research, teaching or lecturing shall not be deemed a break in the continuity of service required by this section and shall be included as a year of service in computing the seven consecutive years of service required by this section.

CHAPTER 939

An act to repeal Article 18 of Chapter 2, Articles 2 and 3 of Chapter 5 of Division 3, and Section 380.66 of, and to add Section 390 and Articles 2, 3, and 3.5 to Chapter 5 of Division 3 to, the Agricultural Code, relating to estrays, fences, and proof of ownership.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Article 18 of Chapter 2 of Division 3 of the Agricultural Code comprising Sections 370 to 370.7, inclusive, is repealed. Repeal

SEC. 2. Section 380.66 of said code is repealed. Repeal

SEC. 3. Section 390 is added to Article 1 of Chapter 5 of Division 3 of said code, to read:

390. As used in this chapter, unless otherwise apparent from the context:

"Animal" includes any domestic bovine animal, horse, mule, burro, sheep, goat or swine, or hide, carcass or portion of a carcass thereof. "Animal"

SEC. 4. Articles 2 and 3 of Chapter 5 of Division 3 of said code, comprising Sections 391 to 416, inclusive, are repealed. Repeals

SEC. 5. Article 2 is added to Chapter 5 of Division 3 of said code, to read:

Article 2. Estrays

391 Except as provided in Article 3, any person finding any estray domestic animal upon his premises, or upon premises to which he has the right of possession, or upon highways adjacent thereto, may take up the same and have a lien thereon for all expenses incurred in taking up, keeping and caring for said animal. It is unlawful to remove any such animal from the possession of the taker-up, except as provided in this article. Taking estrays:

The taker-up of an estray animal shall use reasonable care to preserve the same from injury, but if an estray animal dies or escapes from the taker-up at any time while he is holding the same under the provisions of this article the taker-up shall not be held liable in any manner therefor.

Confinement, delivery, etc

392. Any person taking up an estray animal or animals shall confine the same in a secure place, and within five days file with the director a notice containing a description of the animal or animals seized, the marks and brands, if any, the probable value of each animal, and a statement of the date and place where the same was taken up and confined. Upon demand of any authorized hide and brand inspector, the taker-up shall deliver possession of the animal to said inspector. It is unlawful to remove from the possession of an inspector any animal so delivered, except as provided in this article.

Branded animals

393. Any animal which is seized by or comes into the possession of an inspector under the provisions of Chapters 2, 4 or 5 of Division 3 of this code shall be disposed of as provided in this article. If the animal is branded, the director shall cause a search to be made of the brand records to ascertain the owner, and if the brands or marks are recorded, shall immediately by letter notify the person or persons in whose name the brands or marks are recorded.

Return to owner

394. If the owner is found, the animal shall be turned over to said owner upon reasonable proof of ownership and upon payment by said owner of all expenses incurred in the handling of said animal.

Advertisement

395. If the owner is not found, and the value of the animal exceeds forty dollars ($40), the director shall advertise once each week for three successive weeks in a local paper in the vicinity where the animal is known to have originated, or, if such origin is not known, then in the locality in which the animal was found. Such advertisement shall describe the weight, sex, breed, color, marks and brands, if any, and shall give notice of the time and place of proposed sale of such animal.

Public sale

396. If after 30 days from the date of seizure no claim is made for the animal, the director shall proceed to sell such animal or animals at public sale, in conformity with the general procedure provided in the law concerning sales on execution, and the director shall be entitled to the same fees as are provided by law for sales under execution.

Title

All sales made under the provisions of this article convey a good and valid title to the purchaser, and the owner of the animal or animals so sold shall thereafter be barred from all right to recover the same.

Private sale

397. In lieu of public sale, the director may sell the animal at private sale at a price not less than the appraised value, as determined by a board of three stockmen qualified to make such appraisal, one to be named by the director, one by the person from whose possession the animal was taken, and the third by the first two so named.

Sale of carcasses

398. Carcasses or portions thereof may be sold by the director at any time at the market price prevailing at the time of sale.

Proceeds

399. The proceeds from the sale of animals shall be paid into, and the expenses of holding, advertising, sale, and other incidental expenses shall be paid from, the Department of Agriculture Fund. For the keeping and care of such animal, the

taker-up shall be entitled to the sum of not to exceed fifty cents ($0.50) per day for each bovine animal, horse, mule or burro, and the sum of not to exceed fifteen cents ($0.15) per day for each sheep, goat or swine. If any person shall, within one year after the date of the sale, prove to the satisfaction of the director his ownership of the animal so sold the director shall order the net proceeds of the sale of such animal to be paid to such person.

Exemptions

400. Nothing in this article affects the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force; provided, however, that if no person appears and claims impounded animals, within the period specified by said laws or regulations, the poundkeeper or other pound officer shall so notify the director and upon receipt of such notice the director shall forthwith take possession of said animals and shall dispose of said animals in accordance with the provisions of this article.

SEC. 6. Article 3 is added to Chapter 5 of Division 3 of said code, to read:

Article 3. Fences

Lawful fence

401. A lawful fence is any fence which by reliable evidence is good, strong, substantial and sufficient to prevent the ingress and egress of livestock. No wire fence is a good and substantial fence within the meaning of this article unless it has three tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four feet above the surface of the ground. Any kind of wire or other fence of height, strength and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this article. A lawful fence shall include cattle guards of such width, depth, rail spacing and construction as will, by reliable evidence, effectively turn livestock.

Estrays Counties devoted to grazing

402. In counties or parts of a county devoted chiefly to grazing and so declared as provided in this article, no person shall have the right to take up any estray animal found upon his premises, or upon premises to which he has the right of possession, nor shall he have a lien thereon, unless said premises are entirely enclosed with a good and substantial fence.

403. The following counties or parts of counties are declared to be devoted chiefly to grazing: that portion of Trinity outside of the area described in Section 403.5, that portion of Shasta outside of the area described in Section 404, Siskiyou, Lassen and Modoc.

403.5 That portion of Trinity County, herein described, is declared not to be devoted chiefly to grazing:

(a) All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, T. 31 N., R. 12 W.; Section 7 and the north ½ of Section 18, T. 31 N., R. 11 W., M.D.M.

(b) Beginning at the section corner common to Sections 7 and 18, T. 33 N., R. 9 W. and Sections 12 and 13, T. 33 N.,

R. 10 W., thence west 20 chains; thence north 20 chains; thence west 20 chains; thence north 50 chains; thence east 17.09 chains; thence south 32° west, 5.41 chains; thence south 59° east, 13.12 chains; thence south 42° 30′ east, 4.80 chains; thence north 22° east, 5.41 chains; thence north 22° west, 4 90 chains; thence north 75° west, 3 40 chains; thence north 33° west, 2.45 chains; thence north 58° west, 4.47 chains; thence east 15 02 chains; thence south 10° west, 4.66 chains; thence south 22° east, 3.75 chains; thence north 12° east, 8.04 chains; thence east 2.00 chains; thence north 9.36½ chains; thence north 14° 30′ east, 10.58 chains; thence north 20° 30′ west, 0.42 chains; thence east 17.59 chains; thence south 30.00 chains; thence east 20 00 chains; thence south 40.00 chains; thence west 10.00 chains; thence south 20.00 chains; thence west 30.00 chains, to and closing on the starting corner.

The Legislature reserves to itself the power to alter or amend the declaration made by this section.

Shasta County Portion not devoted to grazing

404. The portion of Shasta County within the following metes and bounds is declared not to be devoted chiefly to grazing:

Beginning at the intersection of the Reading Grant line and the northwest corner of the Anderson-Cottonwood Irrigation District, thence southerly along said Reading Grant Line to the first intersection with the boundary of the dissolved Happy Valley Irrigation District; thence counterclockwise around the boundaries of said dissolved Happy Valley Irrigation District to the southeast corner of Section 20, T. 30 N. R. 4 W., M. D. B. and M.; thence directly east along section lines to the westerly boundary line of the Anderson-Cottonwood Irrigation District; thence counterclockwise around the boundaries of said district to Cottonwood Creek; thence down Cottonwood Creek to its confluence with the Sacramento River; thence counterclockwise along the most easterly and northerly boundary lines of said Anderson-Cottonwood Irrigation District, including a crossing of the Sacramento River, to the point of beginning.

Shasta County estrays

405. The Board of Supervisors of the County of Shasta may, if it determines that all or any part of said county has ceased to be devoted chiefly to grazing, provide by ordinance that estray animals may thereafter be taken up on unenclosed property in such county or part of county. It is the intent and purpose of this section that the provisions of law generally applicable throughout the State shall be extended to all of said county when the conditions upon which the exceptions were based have ceased to exist.

Declaration: County devoted to grazing

406. The board of supervisors of any county may by ordinance declare that such county, or part thereof, is devoted chiefly to grazing, and thereafter the provisions of Section 402 shall apply to such county or portion of a county as fully as if expressly set forth in this article.

Acts continued in force

407. The act entitled "An act concerning lawful fences, and animals, trespassing upon lawfully enclosed lands," passed March 30, 1850, and an act entitled "An act concerning lawful

fences in the Counties of San Bernardino, Colusa, Shasta, Tehama and Placer," approved April 18, 1859, insofar as the provisions of each of said acts apply to or affect the Counties of Trinity, Shasta, except that portion described in Section 404, and Siskiyou, are expressly continued in force, except as to goats, swine or hogs, which may be taken up in said counties when said goats, swine or hogs estray or trespass on lands of others. The provisions of this article apply to goats, swine or hogs in said counties, but in all other respects the acts named in this section are continued in full force therein, it being determined that the conditions prevailing in said Counties of Trinity, Shasta, except that portion described in Section 404, and Siskiyou demand the continued application of said statutes in said counties until such time as action is taken in accordance with Section 406.

SEC. 7. Article 3.5 is added to Chapter 5 of Division 3 of said code, to read:

Article 3.5. Proof of Ownership

411. Any bovine animal, horse, mule or burro, or hide or carcass thereof, found in the possession of a person who cannot prove ownership shall be seized by the inspector. Seizure of bovines, etc

412. Evidence of ownership of an animal or hide may include a recorded brand registered in the name of the person in possession of such animal or hide, a brand inspection certificate, a bill of sale from the owner of the brand on said animal or hide, or in the case of an unbranded animal or hide, a bill of sale giving a description of the breed, sex, color and natural markings, if any. Evidence of ownership

413 Evidence of ownership of a carcass may include a bill of sale, sales tag or sales memorandum showing the names of the seller and buyer, the date of sale and the quantity sold.

414 Any bovine animal, horse, mule or burro, or hide or carcass thereof, which is presented for inspection and which is not claimed by the consignor or consignee, shall be seized by the inspector. Unclaimed bovines, etc., seized

415. It is unlawful for any person to refuse to turn over to an inspector any animal, hide or carcass seized under the provisions of this chapter. Refusal to surrender as violation

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CHAPTER 940

An act to amend Section 2200 of the Welfare and Institutions Code, relating to the case histories of recipients of aid to the aged.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2200 of the Welfare and Institutions Code is amended to read:

Change in county residence Payment of aid

2200. Any recipient of aid under this chapter who removes from one county to another county in this State shall be entitled to aid, upon the first day of the first month beginning after the date upon which he attained residence of one year in the county to which he has so removed, unless the day upon which he attains one year of residence is the first day of the month, in which event the transfer of costs shall take place upon this day; the removal of any person receiving aid hereunder from one county to another within this State shall not work a forfeiture during such one-year period of the aid previously awarded under this chapter.

For the purposes of this section, it is presumed that the period of time for the acquisition of one year's residence in the county to which the person has removed shall start to run upon the date of removal from the county in which he has previously acquired a residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the recipient. The county to which such person has removed shall provide the necessary medical or hospital, or both, care if needed during the one-year period of establishment of residence under this section. The county providing such medical or hospital, or both, care may demand payment of the county granting the aid in an amount not in excess of the cost thereof and it shall be a proper charge and the duty of the county granting the aid under the provisions of this section to pay such medical or hospital charges, or both.

Medical or hospital care

Return to original residence

If a recipient returns to the county granting him aid, after an absence of less than one year, he shall not be deemed to have lost his residence therein.

Case histories Transfer of papers

The county board of supervisors shall transfer copies of papers directly relating to eligibility which are in the case history of a recipient of aid under this chapter who establishes residence in another county within the State upon request of the county in which the recipient has established new residence.

CHAPTER 941

An act to amend Sections 590 and 650.6 of the Vehicle Code, relating to flashing lights on vehicles.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 590 of the Vehicle Code is amended to read:

Warning lights, etc.

590. Display of Warning Devices When Commercial Vehicle Disabled. Every motor truck having an unladen weight of 4,000 pounds or more, and every truck tractor irrespective of weight when operated upon any highway during the time speci-

fied in Section 618 shall be equipped with and carry at least two flares or two red lanterns, or two warning lights or reflectors, which reflectors shall be of a type approved by the department. When any vehicle above mentioned or any trailer or semitrailer is disabled on the roadway or within 10 feet thereof at any time mentioned in Section 618, a warning signal of the character indicated above shall be immediately placed at a distance of approximately 100 feet in advance of, and 100 feet to the rear of such disabled vehicle. The continuous flashing of at least four approved type class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, shall be considered to meet the requirements of this section until the devices mentioned above can be placed in the required locations.

Continuous display

The warning signals herein mentioned shall be displayed continuously during the times mentioned in Section 618 while such vehicle remains disabled upon the roadway or within 10 feet thereof This section shall not apply to any vehicle while being operated within the corporate limits of any city, city and county or town, except that any city or city and county may impose like requirements with respect to any said motor truck or truck tractor when operated during the times mentioned in Section 618 upon highways outside of any business or residence district within such city or city and county and upon which highways there is insufficient street lighting to reveal a vehicle at a distance of 200 feet.

Exemption

SEC. 2. Section 650.6 of said code is amended to read:

Lights restricted

650.6. Special Restrictions on Lamps. (a) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, fog lamps, signal lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than 300 candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle

Flashing lights

(b) Flashing lights are prohibited on motor vehicles except as a means of indicating right or left turn, or as warning lights on disabled vehicles which are standing on or near a highway. Emergency vehicles shall be exempt from this regulation, and tow cars to the extent as provided in Section 586.5. Vehicles used by highway authorities in highway maintenance work may be equipped with flashing or other red lights, to the front or rear, which may be used during the nighttime or at times of low visibility when such vehicles are parked or working on the highway. Vehicles used by mosquito abatement districts or pest abatement districts, when dispersing insecticides in aerosol form or as mists, fogs or smokes, may be equipped with flashing or other red lights, to the front or rear, which may be used during the nighttime or at times of low visibility, when such vehicles are parked or working on the highway.

(c) No vehicle shall be equipped with any lamp or illuminating device not required or permitted in this code. The provisions of this section shall not apply to:

Exceptions

1. Interior lamps;

2. Lamps needed in the operation or utilization of those vehicles mentioned in Section 623.5, or vehicles used by public utilities in the repair or maintenance of their service; or

3. Lamps or devices that emit a diffused nonglaring light of not more than 0.05 of one candle power per square inch of area.

Diffused nonglaring lights

Any diffused nonglaring light shall not display red to the front, but may display other colors notwithstanding the color limitations in Section 640. Such diffused nonglaring light shall not resemble nor be installed within 12 inches or in such position as to interfere with the visibility or effectiveness of any required lamp, reflector or other device upon the vehicle, nor shall any such diffused nonglaring light resemble any traffic sign, signal or control device nor any street or highway regulatory, warning, directional or informational sign. Every such diffused nonglaring light shall be subject to approval by the California Highway Patrol.

Size limited

Such lamps or devices shall be limited in size to an area of 720 square inches and where any lease, rental or donation is involved the installation of such lamps or devices shall be limited to those vehicles operated either wholly within business or residential districts or municipalities, or between business districts, residential districts and municipalities in close proximity.

Experimental permits

(d) The department may issue a permit for the use of lamps or devices for experimental purposes. The use of any lamp or device under such permit shall not be deemed to be a violation of this code.

CHAPTER 942

An act to amend Section 1 of Chapter 269 of the Statutes of 1921 and to amend Section 1418 of the Penal Code, relating to disposition of exhibits in criminal cases.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 269 of the Statutes of 1921 is amended to read:

Disposal of exhibits in criminal cases

Section 1. All exhibits other than documentary which have been filed in any criminal action or proceeding may be disposed of as follows. If the action or proceeding has resulted in conviction, such disposal may be made at any time after termination of one year after said conviction has become final. If the action or proceeding has not resulted in conviction, the court may, on application of the party entitled thereto, order such exhibits as may be released from the custody of the court without prejudice to the State delivered

to such party at any time after the judgment or final determination of said action or proceeding has become final. In such cases, if the party entitled thereto is unknown, and in all other cases, the procedure shall be as follows:

Court order

1. The court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the State. Upon receipt of such an order the clerk of the court shall post a notice conspicuously in three public places in the county referring the order, describing briefly the exhibits which the court has ordered disposed of and fixing the date when and the place at which said exhibits will be offered for sale at public auction. Said date must be at least 20 days after the posting of said notice.

Return to owner Auction

2. At any time prior to the time fixed for the auction the owner or any person entitled to the possession of any of said exhibits may obtain from the court an order returning the same to him. Such articles as have not been returned to their owners or to persons entitled to their possession at the time set for said auction shall be sold by the clerk to the highest bidder for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county. All property offered for sale for which no bids have been received may be destroyed by the clerk or returned to the files. Where the exhibit consists of money or currency and the same is unclaimed at the time of the auction the clerk shall not offer said money or currency for sale but shall immediately upon the conclusion of said sale deposit the same in the general fund of the county.

Exceptions

3. The foregoing shall not apply to any dangerous or deadly weapons, narcotic or poison drugs, explosives, or any property of any kind or character whatsoever the possession of which is prohibited by law, used by a defendant in the commission of the crime of which he was convicted, or with which he was armed or which he had upon his person at the time of his arrest. Any such property filed as an exhibit shall be, by order of the trial court, destroyed or sold or otherwise disposed of under such conditions as provided in such order.

Court order to destroy, etc.

4. The court, on its own motion, by a written order signed by the judge and an entry thereof made in the register of actions, may order destroyed, or otherwise disposed of, any documentary exhibit introduced in the trial of a criminal action or proceeding or filed in such action or proceeding which, if appeal has not been taken from the decision of the court in the said action or proceeding, remains in custody of the court or clerk 10 years after the time for appeal has expired or, if appeal has been taken, remains in custody of the court or clerk 10 years after final determination thereof; provided, no such order shall be made authorizing destruction or disposal of any documentary exhibit which conveys title or creates a lien on real property, nor shall any such order be made where the defendant is yet in prison.

SEC. 2. Section 1418 of the Penal Code is amended to read:

Disposal Conviction cases

1418. If the action or proceeding has resulted in conviction, the disposal of exhibits as provided for in this chapter may be made at any time after termination of one year after the conviction has become final If the action or proceeding has not resulted in conviction, the court may, on application of the party entitled thereto, order such exhibits as may be released from the custody of the court without prejudice to the State delivered to such party at any time after the judgment or final determination of said action or proceeding has become final. In such cases, if the party entitled thereto is unknown, and in all other cases, the procedure shall be as follows:

Court order

1. The court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the State. Upon receipt of such an order the clerk of the court shall post a notice conspicuously in three public places in the county referring to the order, describing briefly the exhibits which the court has ordered disposed of and fixing the date when and the place at which said exhibits will be offered for sale at public auction. The date fixed must be at least 20 days after the posting of the notice.

Return to owner

2 At any time prior to the time fixed for the auction the owner or any person entitled to the possession of any of said exhibits may obtain from the court an order returning them to him.

Auctions

3. Articles not returned to their owners or to persons entitled to their possession at the time set for the auction shall be sold by the clerk to the highest bidder for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

Failure to sell Destruction

4. All property offered for sale for which no bids have been received may be destroyed by the clerk or returned to the files. Where the exhibit consists of money or currency and is unclaimed at the time of the auction the clerk shall not offer it for sale but shall immediately upon the conclusion of the sale deposit it in the general fund of the county.

5. The court, on its own motion, by a written order signed by the judge and an entry thereof made in the register of actions, may order destroyed, or otherwise disposed of, any documentary exhibit introduced in the trial of a criminal action or proceeding or filed in such action or proceeding which, if appeal has not been taken from the decision of the court in the said action or proceeding, remains in custody of the court or clerk 10 years after the time for appeal has expired or, if appeal has been taken, remains in custody of the court or clerk 10 years after final determination thereof; provided, no such order shall be made authorizing destruction or disposal of any documentary exhibit which conveys title or creates a lien on real property, nor shall any such order be made where the defendant is yet in prison.

SEC. 4. Section 2 of this act becomes operative only if Chapter 13 of Title 10 of Part 2 of the Penal Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said chapter takes effect, at which time Section 1 of Chapter 269 of the Statutes of 1921, amended by this act, is repealed.

Effect Stats. 1953, Ch. 51

CHAPTER 943

An act to amend Section 1260 of the Civil Code, relating to homesteads.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1260 of the Civil Code is amended to read:

1260. Homesteads may be selected and claimed:

1. By any head of a family, of not exceeding twelve thousand five hundred dollars ($12,500) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon.

Homesteads Who may claim

2. By any other person, of not exceeding five thousand dollars ($5,000) in actual cash value, over and above all liens and encumbrances.

CHAPTER 944

An act to repeal Sections 10154, 10155, and 10216 of, to amend Sections 10156.5, 10156.7, 10279.5, and 10279.7 of, and to add Sections 10154, 10155, and 10216 to, the Business and Professions Code, relating to fees and licensees of the State Division of Real Estate of the Department of Investment.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Sections 10154, 10155, and 10216 of the Business and Professions Code are hereby repealed.

Repeals

SEC. 2. Sections 10154 and 10155 are added to the Business and Professions Code, to read:

10154. Upon the making of a written application and the payment of the fee for a limited real estate salesman's license, the commissioner may issue the license to the applicant before completing his investigation into the applicant's honesty, truthfulness and good reputation when the applicant has demonstrated by written examination that he has (i) appropriate knowledge of the English language, including reading, writing and spelling, and of elementary arithmetic, and (ii) a fair

Limited real estate salesman's license Qualifications

understanding of the obligations between principal and agent and the provisions of this part relating to real estate and of Chapter 1 of Part 2.

Duration, transfer, etc

10155. A limited real estate salesman's license does not confer any property right in the privileges to be exercised thereunder, and the commissioner may revoke or suspend such license without a hearing. Such license shall be issued for a period not to exceed either (i) the remainder of the fiscal year or (ii) 120 days, whichever is the shorter. Such license shall not be renewed; and it shall not be transferred without the consent of the commissioner. The holder of a limited real estate salesman's license may not sign any contract or agreement on behalf of the broker with whom he is employed.

SEC. 3. Section 10156.5 of said code is amended to read:

Restricted licenses Qualifications

10156.5. The commissioner may issue a restricted license to a person:

(a) Who is or has been licensed under this chapter and who has been found by the commissioner after a hearing to have violated provisions of Division 4 of this code where such violation would justify the suspension or revocation of the license.

(b) Who is applying for a license under this chapter, who has met the examination and experience requirements, but who has been found by the commissioner after a hearing to have failed to have made a satisfactory showing that he meets all of the other requirements for the license applied for, where such failure would justify the denial of the license applied for.

SEC. 4. Section 10156.7 of said code is amended to read:

Suspension, etc

10156.7. A restricted license issued pursuant to Section 10156.5 does not confer any property right in the privileges to be exercised thereunder, and the holder of a restricted license does not have the right to renewal of such license.

The commissioner may without hearing issue an order suspending the licensee's right to further exercise any privileges granted under a restricted license pending final determination made after formal hearing.

SEC. 5. Section 10216 is added to the Business and Professions Code, to read:

Fee

10216. The limited real estate salesman's license fee is five dollars ($5).

SEC. 6. Section 10279.5 of said code is amended to read:

Restricted license Qualifications

10279.5. The commissioner may issue a restricted license to a person:

(a) Who is or has been licensed under this chapter and who has been found by the commissioner after a hearing to have violated provisions of Division 4 of this code where such violation would justify the suspension or revocation of the license.

(b) Who is applying for a license under this chapter, who has met the examination and experience requirements, but who has been found by the commissioner after a hearing to have failed to have made a satisfactory showing that he meets all of the other requirements for the license applied for, where such failure would justify the denial of the license applied for.

SEC. 7. Section 10279.7 of said code is amended to read:

10279.7. A restricted license issued pursuant to Section 10279.5 does not confer any property right in the privileges to be exercised thereunder, and the holder of a restricted license does not have the right to renewal of such license.

Suspension, etc.

The commissioner may without hearing issue an order suspending the licensee's right to further exercise any privileges granted under a restricted license pending final determination made after formal hearing.

CHAPTER 945

An act to add Section 794 to the Civil Code, relating to the termination of mineral leases.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 794 is added to the Civil Code, to read:

794. When the term of any oil, gas or other mineral lease has expired, or such a lease has been abandoned by the lessee or his assignee or other successor in interest, the lessee or his assignee or other successor in interest shall, on demand by the lessor or his successor in interest or his heirs or grantees, execute, acknowledge and deliver, or cause to be recorded, a deed quitclaiming all his interest in and to the lands and minerals covered by the terms of the lease; provided, however, that where said expiration or abandonment covers less than the entire interest of said lessee, assignee or successor in and to said land or minerals, such lessee, assignee or successor shall execute, acknowledge and deliver an appropriate instrument or notice of surrender or termination covering that interest which has expired or been abandoned. Failure of the lessee or his assignee or other successor in interest to execute the deed, instrument or notice required by this section within 30 days after demand therefor shall make him liable to the lessor or his successor in interest or his heirs or grantees for all damages which may be sustained by them as a result of his refusal, and for reasonable attorney's fees to be fixed by the court. He shall also forfeit the sum of one hundred fifty dollars ($150).

Mineral leases terminated. Quitclaim deeds

CHAPTER 946

An act to amend Section 322 of the Probate Code, relating to notice of claim to real property of a decedent.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 322 of the Probate Code is amended to read:

Intestate property Rights of purchaser or encumbrancer

322. The rights of a purchaser or encumbrancer of real property, in good faith and for value, derived from any person claiming the same by succession, are not impaired by any devise made by the decedent from whom succession is claimed, unless within four years after the devisor's death the instrument containing such devise is duly proved as a will, or written notice of such devise is recorded with the recorder of the county where the land lies. This section does not limit the finality of any decree of distribution in the estate of the decedent.

CHAPTER 947

An act to amend Section 5396 of the Streets and Highways Code, relating to special assessment proceedings.

In effect September 9, 1953

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5396 of the Streets and Highways Code is amended to read:

Assessment statement

5396. Notwithstanding any other provisions of this division, the legislative body may, by ordinance, provide that all payments made upon any assessment and warrant within 30 days from the recordation thereof, shall be made to the superintendent of streets, who shall mail a statement to each owner of real property within the assessment district whose name appears on the last equalized assessment roll, at the address appearing on said roll or on file in the office of the clerk, or to both such addresses, if they are not the same. The statement shall contain a designation of the property assessed by street number, or some other description sufficient to enable the property owner to identify the property, statement of the amount of the assessment, and the time and place of payment, the effect of failure to pay within such time and that, if bonds are to be issued, a statement of that fact, designating the provisions of law pursuant to which such bonds are to be issued.

The legislative body may further provide by said ordinance that the superintendent of streets shall receive partial payments upon any assessment and that notice thereof be given to property owners by the statement.

CHAPTER 948

An act to amend Sections 8 and 16 of the Municipal Improvement Act of 1913 (Chapter 247, 1913 Statutes), and to amend

Sections 10403 and 10427 of the Streets and Highways Code, relating to improvement districts.

[Approved by Governor May 28, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 8 of the Municipal Improvement Act of 1913 is amended to read:

Recordation of diagram and assessment

SEC. 8. Upon receipt of the diagram and assessment referred to in the last preceding section, the tax collector shall record the same in a substantial book, to be kept for that purpose, in his office. Upon the date of such recordation (or in the event of recordation of a certified copy with the county surveyor or the superintendent of streets of the city or both as provided in Section 7, then upon that date) the assessment shall become a lien and be due and payable, and if not paid within 60 days thereafter, except for all unpaid assessments for which bonds are to be issued, shall become delinquent and thereupon, for all assessments unpaid for which bonds are not to be issued 5 percent of the amount of each such assessment shall be added thereto. Notice thereof shall be given in the manner and form and at the times specified in Section 22 of the Street Opening Act of 1903 The tax collector shall also fix a time and place for the sale of various parcels of land upon which the assessments are unpaid, which said date shall be not less than 60 days, nor more than six months, from the date of the recordation of said diagram and assessment. Assessments may be paid in whole or in part during the 60-day period after the same become due and payable

SEC. 2. Section 16 of the Municipal Improvement Act of 1913 is amended to read:

Expenditure of surplus

SEC. 16. If at any time an assessment for any such improvement shall realize a larger sum than is necessary therefor, the excess may be spent for the maintenance of the said improvement or as an alternative method of disposition of such excess there shall be applied as a credit to each assessment, or installment thereof, a pro rata share of such excess as each assessment, or installment thereof, bears to all the assessments. Where the assessment or any installment thereof has been paid in cash such credit shall be returned in cash to the owner of the land upon which the assessment was levied, as such owner appears from the last equalized assessment roll at the time the refund is made. Where the assessment or any installment thereof is unpaid the credit shall be applied upon such assessment or the earliest unpaid installment, or installments of principal and interest. The resolution of intention shall state whether said excess shall be used for maintenance or shall be credited and/or refunded as herein provided.

SEC. 3. Section 10403 of the Streets and Highways Code is amended to read:

Unpaid assessments: Delinquent

10403. All assessments not paid within 60 days after they become due, except all unpaid assessments for which bonds are

to be issued, shall become delinquent and the recording officer shall add to each delinquent assessment 5 percent of the amount thereof. Assessments may be paid in whole or in part during the 60-day period after the same become due and payable.

SEC. 4. Section 10427 of the Streets and Highways Code is amended to read:

Expenditure of surplus

10427. If any assessment authorized by this division results in a surplus in the improvement fund after the improvement is completed, the surplus may be spent for the maintenance of the improvement. As an alternative method of disposition, the surplus shall be refunded or credited pro rata to the parties assessed as follows:

(a) Where the assessment or any installment has been paid is cash, credit shall be returned in cash to the owner of the land upon which the assessment was levied, as such owner appears from the last equalized assessment roll at the time the refund is made.

(b) Where the assessment or any installment is unpaid, the credit shall be applied upon such assessment or the earliest unpaid installment of principal and interest.

Effect Stats. 1953, Ch 192

SEC. 5. Sections 3 and 4 of this act become operative only if Division 12 of the Streets and Highways Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Division 12 takes effect, at which time Sections 8 and 16 of the Municipal Improvement Act of 1913 amended by this act are repealed.

CHAPTER 949

An act to amend Section 13651 of the Education Code, relating to decrease in number of school district employees.

In effect September 9, 1953

[Approved by Governor May 29, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 13651 of the Education Code is amended to read:

Permanent employees Cause for removal

13651. No permanent employee shall be deprived of his position for causes other than those specified in Article 2, Chapter 11, of this division except in accordance with the provisions of this article.

Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of said district it shall have become necessary by reason of either of such conditions to

decrease the number of permanent employees in said district, the said governing board may terminate the services of not more than a corresponding percentage of the certificated employees of said district, permanent as well as probationary, at the close of the school year; provided, that the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Notice of such termination of services for reduction in attendance shall be given before the fifteenth of May in the manner prescribed in Section 13582 of this code, and services of said employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 13004.1 and 13004.2 of this code. Notice

The board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. Assignments and reassignments

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CHAPTER 950

An act to add Section 214.1 to the Revenue and Taxation Code, relating to the welfare exemption and declaring the effective date thereof.

[Approved by Governor May 29, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 214.1 is added to the Revenue and Taxation Code, to read:

214.1. As used in Section 214, "property used exclusively for religious, hospital or charitable purposes" shall include facilities in the course of construction on or after the first Monday of March, 1954, together with the land on which the facilities are located as may be required for their convenient use and occupation, to be used exclusively for religious, hospital or charitable purposes. "Property used exclusively for religious, hospital or charitable purposes"

SEC. 2. This section shall become operative if, as, and when Article XIII, Section 1c, of the Constitution is so amended as to make this section possible of enactment, and thereafter shall have the same force and effect it would have if enacted upon such constitutional amendment becoming effective. Operative date

CHAPTER 951

An act to amend Section 1523.5 of the Welfare and Institutions Code, relating to the vocational rehabilitation of needy children and their parents.

In effect September 9, 1953

[Approved by Governor May 29, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1523.5 of the Welfare and Institutions Code is amended to read:

Vocational rehabilitation of parent

1523.5. Any child who is otherwise qualified to receive aid under this chapter may be disqualified from receiving such aid for so long as the parent of the child refuses to accept reasonable employment or vocational rehabilitative training necessary to improve or restore his capacity to support himself and his dependents, or fails to cooperate to the best of his ability in order to render himself more fully capable of supporting himself and his dependents. Each county shall, in administering aid under this chapter require each parent of a needy child, who is available for employment and physically able to work to register for employment at the nearest office of the State Department of Employment.

The county may refer the incapacitated parent of a needy child to the Bureau of Vocational Rehabilitation of the State Department of Education to determine the feasibility of rehabilitation of such person. The State Department of Social Welfare and the State Department of Education shall jointly develop plans for the orderly processing of such cases. Priority shall be given to cases for which rehabilitation is determined to be most feasible.

For the purpose of this chapter the value of such tools and equipment as may be necessary to implement the rehabilitation program undertaken for such parents shall not be included in the personal property qualification for aid established in Section 1521.

Nothing in this section shall be construed to prevent the State Department of Social Welfare and the State Department of Education from determining the types of cases for which vocational rehabilitation is not feasible and for which referral is unnecessary.

CHAPTER 952

An act to amend Sections 1647 and 1663 of the Labor Code, relating to private employment agencies.

In effect September 9, 1953

[Approved by Governor May 29, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1647 of the Labor Code is amended to read:

1647. In all cases of controversy arising under this chapter the parties involved shall refer the matters in dispute to the Labor Commissioner, who shall hear and determine the same, subject to an appeal within 10 days after determination, to the superior court where the same shall be heard de novo. To stay any award for money, the party aggrieved shall execute a bond approved by the superior court in a sum not exceeding twice the amount of the judgment. In all other cases the bond shall be in a sum of not less than one thousand dollars ($1,000) and approved by the superior court. Controversies disputes Hearing

The Labor Commissioner may certify that there is no controversy within the meaning of this section, where the agency presents substantial evidence that the applicant acknowledges the fee to be due.

SEC. 2. Section 1663 of said code is amended to read

1663. No part of the provisions of Part 6, Chapter 1 of this code shall be applicable to an artists' manager, except as expressly provided in Sections 1650 to 1663, inclusive, of this code, and except that Sections 1584, 1595, 1597, and 1647 shall be so applicable and the following sections, in the terms thereof now in effect, shall be so applicable, to wit: Sections 1550, 1582, 1583, 1585, 1586, 1587, 1589, 1590, 1591, 1592, 1593, 1594, 1620, 1621, 1623, 1630, 1636, 1637, 1638, 1639, 1640, 1640.5, 1642, 1643, 1644, 1646, 1647.5, and 1648; and for such purpose, each of said last mentioned sections, in the terms thereof now in effect, shall be read, applied, administered and enforced as though expressly made applicable to an artists' manager. Exception

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CHAPTER 953

An act to amend Section 12507 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor May 29, 1953. Filed with Secretary of State May 29, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 12507 of the Business and Professions Code is amended to read:

12507. The owners or users of any weights and measures or weighing or measuring instruments which have been marked "Out of Order," shall have them repaired or corrected within 30 days, but until they have been repaired or corrected and tested the owners or users thereof may neither use nor dispose of them in any way. Weights and measures, etc. Correction or repair

In the event that the owner or user of any weights or measures or weighing or measuring instruments marked "Out of Order" shall have refused or neglected to have them repaired or corrected within thirty (30) days they shall be subject to seizure by the sealer. Any weights or measures or weighing or Failure to repair, etc. Seizure

measuring instruments which have been seized by the sealer under the provisions of this section shall be subject to such disposition as shall be ordered by a court of competent jurisdiction upon petition for a disposition order by the owner or by any person claiming an interest in such seized equipment. If no such disposition order is issued within four years after the date of seizure, such equipment shall be defaced and destroyed or otherwise disposed of by the sealer. The sealer shall, immediately following the defacing, destruction or disposal of such weights or measures or weighing or measuring instruments, furnish the board of supervisors of the county in which the sealer is serving, with a list of the items so disposed of together with the name and address of the owner or user of each thereof.

CHAPTER 954

An act to add Section 8650.1 to the Streets and Highways Code, relating to bonds issued under the Improvement Bond Act of 1915, declaring the urgency thereof, to take effect immediately

In effect immediately

[Approved by Governor May 29, 1953. Filed with Secretary of State May 29, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 8650.1 is added to the Streets and Highways Code, to read:

Bond denominations, etc.

8650.1. If the work is done under the Municipal Improvement Act of 1913 or the Street Opening Act of 1903, the legislative body may by resolution establish the denomination of the bonds and the amount to mature each year which may be other and different than that provided in Section 8650. It may also provide for a classification of assessments into different terms of maturity so that smaller assessments may be made to mature over a shorter period of time.

In such event, the bond declaration in the resolution of intention, assessment, and notice of recording the assessment may recite that the last installment of bonds shall mature a maximum rather than an exact number of years from the second day of July next succeeding 10 months from their date.

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 Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The purpose of this act is to make it possible to provide that odd denomination bonds to be issued under the Improvement Bond Act of 1915 shall mature in not more than two series and that small assessments may be collected over a shorter period of time than large assessments. This act is necessary in providing public improvements to meet the requirements of the

extraordinary growth which the State of California is now receiving. Odd denomination bonds are resulting in increased sale price of bonds and therefore increasing the cost of work to property owners which is necessary for the public health, safety, convenience and general welfare. Also the collection of small assessments over long periods of time increases governmental cost and they should be distinguishable from large assessments.

CHAPTER 955

An act to amend Sections 31469.3, 31558, 31664.2, 31664.3, 31687, and 31688 of the Government Code, relating to retirement of county employees.

[Approved by Governor May 29, 1953. Filed with Secretary of State May 29, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 31469.3 of the Government Code is amended to read:

31469.3. "Safety member" means any person who is either:

"Safety member"

(a) A member of a pension system established pursuant to either Chapter 4 or Chapter 5, who, on or before December 31, 1953, elects by written notice filed with the board, to become a safety member, or

(b) Any person employed by a county, subject to Section 31676.1 or by a district or court organized or existing within such a county, whose principal duties consist of active law enforcement or active fire suppression as described in Section 31470.2 or 31470.4.

SEC. 2. Section 31558 of said code is amended to read:

Safety member Qualifications

31558. All existing members of a pension system established pursuant to either Chapter 4 or Chapter 5 and all employees eligible as safety members who at the time of entering service elected to become members, or who subsequently became members, of this system who, on or before December 31, 1953, elect by written notice filed with the board to become safety members, shall become safety members on January 1, 1954, and thereafter each person not over 35 years of age when employed in a position, the principal duties of which consist of active law enforcement or active fire suppression, as defined in Sections 31469.3, 31470.2 and 31470.4, shall become a safety member on the first day of the calendar month following his entrance into the service. The sheriff and undersheriff shall become safety members on the first day of the calendar month following their entrance into the service, regardless of age.

SEC. 3. Section 31664.2 of said code is amended to read:

Counties over 2,000,000 Computation of pension

31664.2. This section shall apply in any county having a population in excess of 2,000,000. When the compensation of a safety member subject to the provisions of this article is a fac-

tor in any computation to be made under this chapter, there shall be excluded from such computation, for any period of service prior to January 1, 1952, any compensation earned since the establishment of the retirement system in such county upon which compensation the member has not paid contributions into the retirement fund because of the provisions of Section 32024 or 32322, unless prior to January 1, 1952, such member shall elect, by written notice filed with the board to pay into the retirement fund, by lump sum payment or by pay roll deduction over a period not exceeding 120 months and prior to the effective date of his retirement, and thereafter pays into the retirement fund within the period specified, (1) such additional amount as he would have contributed as a part of his normal contributions, assuming the entire compensation earnable by him was subject to normal contributions during the entire period of his membership in the system since its establishment in such county; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption. At the time of filing the notice of election, as herein provided, any such member may elect to apply toward the additional amount payable by him pursuant to such election, any accumulated contributions with which he is entitled to be credited.

Exclusions

The entire compensation of a member shall be included in any computation to be made under this article for any period of county service on and after January 1, 1952, but if such election is not made or such amounts are not paid, there shall be excluded from the total payments made as current service pension, prior service pension and service retirement annuity, twice the actuarial equivalent at the time of retirement of such amounts plus regular interest thereon. If a member subject to the provisions of this article makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this chapter for the entire period of service with which he is entitled to be credited at retirement.

SEC. 4. Section 31664.3 of said code is amended to read:

Counties over 2,000,000 Prior service credit

31664.3. This section shall apply in any county having a population in excess of 2,000,000. A safety member shall receive no credit for prior service subsequent to June 30, 1921, and prior to January 1, 1938, in calculating a retirement allowance pursuant to this article unless prior to January 1, 1952, he files with the board his written election to pay into the retirement fund six dollars ($6) for each month of prior service for which he claims credit. If a safety member files an election pursuant to this section and has accumulated contributions to his credit as of December 31, 1937, which with interest to December 31, 1951, are less than payments due for prior service credit subsequent to June 30, 1921, the amount due or balance thereof shall be paid by additional salary deductions in

the amounts specified by the member but in no case less than six dollars ($6) per month. The total amount due shall be paid prior to the effective date of his retirement. If the accumulated contributions with interest exceed the amount due for prior service credit the balance shall be refunded.

SEC. 5. Section 31687 of said code is amended to read:

31687. The prior service pension of a county peace officer member is an additional pension for county peace officer members, purchased by the contributions of the county, calculated in accordance with the following formula: Formula for computing prior service pension

$$\frac{A \times B}{2 \times (C - D)} = \text{annual prior service pension}$$

where:

A. Average annual compensation earnable by the member during any three years of service elected by the member at or before the time he files an application for retirement, or, if he fails to elect, during the three years immediately preceding his retirement.

B. The number of years of prior service credited to the member.

C. The minimum age at which the member is eligible to retire for service.

D. The member's age, at nearest birthday, at entry into county service.

In the event the amount derived in accordance with this formula exceeds one-half the member's final compensation the amount shall be reduced to an amount equal to one-half the member's final compensation. Notwithstanding any other provisions of this chapter, a county peace officer member who enters the system with credit for prior service and retires upon completion of 20 years of continuous service after attaining age 55, whose retirement allowance is less than one-half of his final compensation, his prior service pension shall be increased so as to cause his total retirement allowance to amount to one-half of such final compensation.

SEC. 6. Section 31688 of said code is amended to read:

31688. If a member enters the retirement system with credit for prior service, and retires after attaining the compulsory retirement age and his retirement allowance is less than one thousand two hundred dollars ($1,200) a year, exclusive of any annuity based on additional contributions, an additional amount purchased by contributions of the county shall be added to his combined annuity and pensions which will cause his total retirement allowance to amount to one thousand two hundred dollars ($1,200) a year. Minimum pension

CHAPTER 956

An act to amend Section 7324 of the Business and Professions Code, relating to cosmetology.

In effect September 9, 1953

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7324 of the Business and Professions Code is amended to read:

Exemptions

7324 The following persons are exempt from this chapter:

(a) All persons authorized by the laws of this State to practice medicine, surgery, dentistry, pharmacy, osteopathy, chiropractic, naturopathy or chiropody.

(b) Commissioned officers of the Medical Corps of the United States Army, Navy or Marine Hospital Service or Public Health Service when engaged in the actual performance of their official duties, and attendants attached to these services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned when engaged in any of the following practices:

(1) Arranging, dressing, curling and waving (except permanent waving), cleansing, cutting or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Employees employed to render cosmetological services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industry.

CHAPTER 957

An act to amend Section 29851 of the Government Code, relating to the issuance and payment of duplicate warrants.

In effect September 9, 1953

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 29851 of the Government Code is amended to read:

Duplicate warrants

29851. Upon the filing of the affidavit, the auditor shall issue and deliver to the legal owner or custodian a duplicate warrant bearing the same date as the original warrant for the full amount of the original warrant, and the treasurer shall

pay the duplicate in lieu of the original warrant. Any loss incurred by reason of the issuance of duplicate warrants in payment for aid to the aged, aid to the needy or partially self-supporting blind, or aid to needy children shall be a charge against the general fund of the county.

CHAPTER 958

An act to amend Sections 700.01, 983, 989, 990, 3010, 10511, 11600, 12050 and 12110 of, to repeal Sections 3011, 3012, 3013, 11603, 11604, 11605, 12053, 12054 and 12111 of, and to add Sections 700.03 and 994 to, the Insurance Code, all relating to insurance companies.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 700.01 of the Insurance Code is amended to read:

Paid-in capital requirements

700.01. In addition to any or all of the classes of insurance which it is permitted to transact by all other applicable provisions of this code, any incorporated insurer admitted or hereafter admitted for one or more of the classes of insurance stated in Section 100, except life, title or mortgage, shall (subject to any limitations contained in its articles of incorporation or charter) be admitted after October 1, 1953, for any or all of the following classes, upon making application therefor and complying with all applicable requirements of law, if its paid-in capital is not less than one million dollars ($1,000,000) or the aggregate of the amounts hereinafter set forth opposite the classes transacted by it in the United States if an alien insurer, or in any jurisdiction if other than an alien insurer, whichever is lower; provided, that the paid-in capital of incorporated insurers not transacting either fire, marine or surety insurance making application under this section shall be at least one hundred thousand dollars ($100,000) in excess of such aggregate amount. In no event shall any incorporated insurer be required to have a paid-in capital in excess of one million dollars ($1,000,000) as a condition for its admission for any or all of the classes of insurance hereinafter set forth.

Number and name of class	Amount of capital
2. Fire	$200,000
3. Marine	200,000
5. Surety	250,000
6. Disability	50,000
7. Plate Glass	50,000
8. Liability	100,000
9. Workmen's Compensation	for any or all
10. Common Carrier Liability	of these

Number and name of class	Amount of capital
11. Boiler and Machinery	$50,000
12. Burglary	50,000
13. Credit	50,000
14. Sprinkler	50,000
15. Team and Vehicle	50,000
16. Automobile	100,000
18. Aircraft	50,000
20. Miscellaneous	50,000

Exemptions

This section shall not be applicable to life, title or mortgage insurance, and an insurer now or hereafter admitted to transact life, title or mortgage insurance shall not be admitted under the provisions of this section, but its admission is governed by other applicable provisions of this code.

SEC. 2. Section 700.03 is added to the Insurance Code, to read:

Paid-in capital renewal requirements

700.03. Notwithstanding the requirements of Sections 700.01 and 10511 until June 30, 1955, the minimum paid-in capital required for renewal, for the same classes of insurance, of the certificate of authority of any insurer which was in effect on July 1, 1953, shall be that required by such sections as effective on such date. After June 30, 1955, and until such time as such insurer increases its paid-in capital to the amount required by Sections 700.01 and 10511 as effective on October 1, 1953, the minimum paid-in capital required for such renewal shall continue to be that required by such sections as effective on July 1, 1953, but such insurer shall be required to maintain a surplus, as defined in Section 700.02, in an amount which, when combined with the amount of its paid-in capital, shall equal the minimum amount of paid-in capital required by Sections 700.01 and 10511 as effective on October 1, 1953.

SEC. 3. Section 983 of the Insurance Code is amended to read:

Insurer insolvency

983. Any liability insurer issuing policies on a reserve basis is insolvent whenever provision for its liabilities and for reinsurance of all outstanding risks, estimated as provided in Article 1, Chapter 1, Part 3, Division 2, would so far impair its capital paid in as to reduce it either below one hundred fifty thousand dollars ($150,000) or below 75 percent of the aggregate par value of its issued capital stock.

SEC. 4. Section 989 of the Insurance Code is amended to read:

Standard of solvency

989. In the case of an insurer issuing policies on a reserve basis and not doing business on the mutual plan, if the standard for determining its solvency is not otherwise set forth in this article, such insurer is insolvent whenever provision for its liabilities and for reinsurance of all outstanding risks would impair its capital paid in so as to reduce such capital below one hundred fifty thousand dollars ($150,000), or below 75 percent of the aggregate par value of its issued capital stock.

The commissioner shall prescribe such standards for estimating reinsurance as will provide adequate safeguards for the policyholders, creditors and the public. The commissioner shall prescribe standards not lower than those accepted by the insurance authorities of the State of New York at the effective date of this code

SEC. 5. Section 990 of the Insurance Code is amended to read:

990. In the case of an insurer issuing policies on a reserve basis and operating on the mutual plan, if the standard for determining its solvency is not otherwise set forth in this article, such insurer is insolvent unless the sum of its available cash assets in at least one hundred fifty thousand dollars ($150,000) in excess of the amount necessary to provide for its liabilities and for reinsurance of outstanding risks. Such reinsurance shall be computed as provided in Section 989.

SEC. 6. Section 994 is added to the Insurance Code, to read:

994. Notwithstanding the provisions of Sections 983, 989, 990, 991 and 992, an insurer to which the provisions of Section 700.03 are applicable is not insolvent unless provision for its liabilities and reinsurance of all outstanding risks, estimated as provided in Article 1, Chapter 1, Part 3, Division 2, would so far impair its capital paid in as to reduce it below the amount required by Section 700.03 or below 75 percent of the aggregate par value of its issued capital stock, or, after June 30, 1955, would reduce its surplus, as defined in Section 700.02, below the minimum required by Section 700.03.

SEC. 7. Section 3010 of the Insurance Code is amended to read:

3010. An incorporated fire insurer issuing policies on a reserve basis shall be governed by the paid-in capital and surplus requirements of Section 700 01 to 700.05, inclusive. Paid-in capital requirements Fire insurer

SEC. 8. Section 3011 of the Insurance Code is repealed. Repeals

SEC. 9. Section 3012 of the Insurance Code is repealed.

SEC. 10. Section 3013 of the Insurance Code is repealed.

SEC. 11. Section 10511 of the Insurance Code is amended to read:

10511. If authorized by its charter, such an incorporated life insurer may, except as provided in Section 700 03, transact, in addition to life insurance, any of the following classes of insurance if its total paid-in capital is at least two hundred thousand dollars ($200,000) in excess of the sum of the amounts set forth opposite the classes of insurance transacted: Life insurer

Number and name of class transacted	Amount of capital to be added
6. Disability	$50,000
8. Liability 9. Workmen's compensation 10. Common carrier liability	100,000 for all or any of them

SEC. 12. Section 11600 of the Insurance Code is amended to read:

Liability, etc., insurer

11600. An incorporated insurer issuing policies of liability, workmen's compensation, or common carrier liability insurance, shall be governed by the paid-in capital and surplus requirements of Sections 700.01 to 700.05, inclusive.

Repeals

SEC. 13. Section 11603 of the Insurance Code is repealed.

SEC. 14. Section 11604 of the Insurance Code is repealed.

SEC. 15. Secton 11605 of the Insurance Code is repealed.

SEC. 16. Section 12050 of the Insurance Code is amended to read:

Insurer of surety policies

12050. An incorporated insurer issuing surety policies on the reserve basis shall be governed by the paid-in capital and surplus requirements of Sections 700.01 to 700.05, inclusive.

Repeals

SEC. 17. Section 12053 of the Insurance Code is repealed.

SEC. 18. Section 12054 of the Insurance Code is repealed.

SEC. 19. Section 12110 of the Insurance Code is amended to read:

Other insurers

12110. An incorporated insurer which does not issue fire, marine, life, liability, workmen's compensation, common carrier liability, surety, title or mortgage policies but does issue other insurance policies on a reserve basis shall be governed by the paid-in capital and surplus requirements of Sections 700.01 to 700.05, inclusive.

Repeal

SEC. 20 Section 12111 of the Insurance Code is repealed.

Operative date

SEC. 21. This act shall become operative October 1, 1953.

CHAPTER 959

An act to amend Section 18050 of the Government Code, relating to vacations of state officers and employees.

In effect September 9, 1953

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 18050 of the Government Code is amended to read:

Vacation allowances

18050. Following completion of six months of continuous service, each state officer and employee who is employed full time shall be allowed seven and one-half working days of credit for vacation with pay. Thereafter, for each calendar month of service, he shall be allowed one and one-quarter days of credit for vacation with pay. After 25 years of service, for each calendar month of service, he shall be allowed one and two-thirds days of credit for vacation with pay. For the purpose of computing credit for vacation, each officer or employee shall be considered to work not more than five days each week. The time when vacation shall be taken shall be determined by the appointing power of the officer or employee.

CHAPTER 960

An act to amend Section 6060 of the Harbors and Navigation Code, relating to compensation and expenses of harbor district commissioners.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 6060 of the Harbors and Navigation Code is amended to read:

6060. The commissioners shall serve without salary until the net yearly income of the district exceeds twenty thousand dollars ($20,000) per year, when the board may, by ordinance, fix their salaries which shall not exceed the sum of two hundred dollars ($200) per month each.

Commissioners' salaries

In addition to any salary received pursuant to this section, the commissioners shall be allowed any actual and necessary expenses incurred in the performance of their duties.

CHAPTER 961

An act to amend Section 11501 of the Government Code, relating to agencies subject to administrative adjudication provisions of the Administrative Procedure Act.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

Agency procedure

(b) The enumerated agencies referred to in Section 11500 are:

List of agencies

Board of Dental Examiners of California.
Board of Medical Examiners of the State of California.
Board of Osteopathic Examiners of the State of California.
Board of Nurse Examiners of the State of California.
State Board of Optometry.
California State Board of Pharmacy.
State Department of Public Health.
State Board of Public Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.

State Board of Barber Examiners.
State Board of Registration for Civil and Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Yacht and Ship Brokers Commissioner.
Director of Professional and Vocational Standards.
Collection Agency Board.
State Fire Marshal.
State Mineralogist.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
State Board of Equalization.
Insurance Commissioner.
Building and Loan Commissioner.
State Board of Dry Cleaners.
Board of Social Work Examiners of the State of California.
Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
California Aeronautics Commission.
Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
State Water Pollution Control Board.
Regional Water Pollution Control Board.
Department of Natural Resources.
Department of Public Works acting through the State Engineer pursuant to Section 414 of the Water Code
Board of Vocational Nurse Examiners of the State of California.
State Board of Examiners of Shorthand Reporters.
Bureau of Private Investigators and Adjusters.

CHAPTER 962

An act to amend Sections 11523 and 11524 of the Government Code, relating to administrative hearings.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 11523 of the Government Code is amended to read:

11523. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the agency. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the agency and shall be delivered to petitioner, within 30 days after a request therefor by him, upon the payment of the fee specified in Section 274 of the Code of Civil Procedure as now or hereinafter amended for the transcript, the cost of preparation of other portions of the record and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the agency, any proposed decision by a hearing officer, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the agency to prepare all or any part of the record the time within which a petition may be filed shall be extended until five days after its delivery to him. The agency may file with the court the original of any document in the record in lieu of a copy thereof.

Judicial review. Petition, etc.

SEC. 2. Section 11524 of the Government Code is amended to read:

11524. The agency may grant continuances. When a hearing officer of the Division of Administrative Procedure has been assigned to such hearing, no continuance may be granted except by him for good cause shown.

Continuances

CHAPTER 963

An act to amend Section 11383 of the Government Code, relating to filing of administrative regulations.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 11383 of the Government Code is amended to read:

Presumptions

11383. The filing of a certified copy of a regulation or an order of repeal with the Secretary of State raises the rebuttable presumptions that:

(a) It was duly adopted.

(b) It was duly filed and made available for public inspection at the day and hour endorsed on it.

(c) All requirements of this chapter and the regulations of the department relative to such regulation have been complied with.

(d) The text of the certified copy of a regulation or order of repeal is the text of the regulation or order of repeal as adopted.

The courts shall take judicial notice of the contents of the certified copy of each regulation and of each order of repeal duly filed.

CHAPTER 964

An act to amend Section 11521 of the Government Code, relating to reconsideration of administrative decisions.

In effect September 9, 1953

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 11521 of the Government Code is amended to read:

Reconsideration

11521. (a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to respondent, or on the date set by the agency itself as the effective date of the decision if such date occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed 30 days which the agency may grant for the purpose of filing an application for reconsideration. If no action is taken on a petition within the time allowed for ordering reconsideration the petition shall be deemed denied.

(b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to a hearing officer. A reconsideration assigned to a hearing officer shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself no agency member may vote unless he heard the evidence.

CHAPTER 965

An act to amend Sections 5600, 6799 and 8805 of the Business and Professions Code, relating to regulation of businesses and professions.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5600 of the Business and Professions Code is amended to read:

5600. (a) Every architect shall pay an annual license fee to the department. The fee shall be due and payable on or before the thirty-first day of August of each year and shall become delinquent thereafter.

Architect's license fees

The annual license fee provided for by this chapter due and payable in 1954 shall be paid on or before January 31, 1954. The next annual license fee shall be paid on or before August 31, 1954, and shall be twelve dollars ($12). The annual license fee thereafter shall be paid on or before August 31st of each year and shall be the annual license fee provided for by this chapter.

(b) If the annual license fee is not paid before it becomes delinquent, a penalty of three dollars ($3) shall be added to the amount thereof.

(c) If the annual license fee and penalty are not paid before the thirty-first day of January in the year following the year in which they become due, or in the case of the annual license fee payable on or before January 31, 1954, if such fee and the penalty are not paid before June 30, 1954, the architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing by registered mail, return receipt requested, postage prepaid and addressed to the architect at his address as it appears in the records of the board; a notice of the delinquency of the architect stating that upon the expiration of time herein allowed his certificate will be suspended, unless within said time, the annual license fee and penalty are remitted.

(d) After the certificate has been suspended, it may be reinstated upon the payment of the reinstatement fee, and such proof of the architect's qualifications as may be required in the sound discretion of the board.

(e) The board shall issue a receipt to each architect promptly upon payment of the annual license fee.

SEC. 2. Section 6799 of said code is amended to read:

6799. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The fee for filing each application for registration as a professional engineer, or authority to use the title "structural engineer" is fifteen dollars ($15) and for each certification as engineer-in-training is five dollars ($5), except that as to any

Engineer examination fees

person who is the holder of a current certificate as an engineer-in-training, the fee for filing an application for registration as a professional engineer is ten dollars ($10).

(b) The registration fee for professional engineer is ten dollars ($10) for each certificate issued.

(c) The duplicate certificate fee is one dollar ($1).

(d) The temporary registration fee for professional engineer is ten dollars ($10).

(e) The structural engineer's certificate of authority fee is ten dollars ($10).

(f) The annual renewal fee for professional engineer shall be fixed by the board at not more than six dollars ($6) and not less than four dollars ($4) for each branch of professional engineering in which registration is held; the annual renewal fee for authority to use the title "structural engineer" is three dollars ($3), and for engineer-in-training is two dollars ($2) for each branch in which certification is held.

(g) The penalty for delinquency of the annual renewal fee is one dollar ($1) for each month or fraction thereof after the date upon which the annual fee became due until the amount thereof aggregates five dollars ($5).

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 3. Section 8805 of said code is amended to read:

Land surveyor fees

8805. The amount of the fee prescribed by this chapter is that fixed by the following schedule:

(a) The application fee is fifteen dollars ($15).

(b) The license fee is ten dollars ($10).

(c) The duplicate certificate fee is one dollar ($1).

(d) The annual renewal fee shall be fixed by the board at not more than six dollars ($6) and not less than four dollars ($4).

CHAPTER 966

An act to amend Section 101 of the Business and Professions Code, relating to regulation of the businesses and professions.

In effect September 9, 1953

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Business and Professions Code is amended to read:

Composition of Department of Professional and Vocational Standards

101. The department is comprised of:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of the State of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Board of Examiners in Veterinary Medicine.
(f) The State Board of Accountancy.
(g) The California State Board of Architectural Examiners.
(h) The State Board of Barber Examiners.
(i) The State Board of Registration for Civil and Professional Engineers.
(j) The Contractors' State License Board.
(k) The State Board of Cosmetology.
(*l*) The State Board of Funeral Directors and Embalmers.
(m) The Structural Pest Control Board.
(n) The Yacht and Ship Brokers Commission.
(o) The Bureau of Furniture and Bedding Inspection.
(p) The Board of Nurse Examiners of the State of California.
(q) The State Board of Dry Cleaners.
(r) The Board of Chiropractic Examiners.
(s) The Board of Social Work Examiners of the State of California.
(t) The State Athletic Commission.
(u) The Cemetery Board.
(v) The State Board of Guide Dogs for the Blind.
(w) The Bureau of Private Investigators and Adjusters.
(x) The State Board of Examiners of Shorthand Reporters.
(y) The Board of Vocational Nurse Examiners of the State of California.
(z) Any other boards, offices, or officers subject to its jurisdiction by law.

CHAPTER 967

An act to amend Sections 301, 500, 501, and 3600 of the Corporations Code, relating to articles and by-laws of corporations.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 301 of the Corporations Code is amended to read:

301. Articles of incorporation shall set forth:

Articles of incorporation

(a) The name of the corporation.

(b) The purposes for which it is formed, including a statement in a separate paragraph identifying the specific business in which the corporation proposes primarily and initially to engage.

(c) The county in this State where the principal office for the transaction of the business of the corporation is located.

(d) The number of its directors, which shall be not less than three; and the names and addresses of the persons who are appointed to act as the first directors. The number so stated constitutes the authorized number of directors until changed by amendment of the articles or, unless the articles provide

otherwise, by a by-law duly adopted by the shareholders. However, the articles or, unless the articles provide otherwise, a by-law duly adopted by the shareholders, may state that the number of directors shall be not less than a stated minimum (which in no case shall be less than five) nor more than a stated maximum (which in no case shall exceed such stated minimum by more than three); and in the event that the articles or by-laws permit such an indefinite number of directors, the exact number of directors shall be fixed, within the limits specified in the articles or by-laws, by a by-law or amendment thereof duly adopted by the shareholders or by the board of directors. In the event the articles provide for an indefinite number of directors, unless the articles provide otherwise, such indefinite number may be changed, or a definite number fixed without provision for an indefinite number, by a by-law duly adopted by the shareholders.

SEC. 2. Section 500 of said code is amended to read:

By-laws

500. By-laws may be adopted, amended, or repealed by the vote or the written assent of shareholders entitled to exercise a majority of the voting power of the corporation. Subject to the right of shareholders to adopt, amend, or repeal by-laws, by-laws may be adopted, amended, or repealed by the board of directors, except that a by-law or amendment thereof changing the authorized number of directors may be adopted, amended, or repealed by the board of directors only pursuant to Section 301.

However, the articles or by-laws may require the vote or written assent of the shareholders entitled to exercise more than a majority of the voting power for the amendment or repeal of by-laws generally, or of particular by-laws, or for the adoption of new by-laws. The articles or a by-law adopted by the shareholders may limit or restrict the power of the directors to adopt, amend, or repeal by-laws, or may deprive them of the power.

SEC. 3. Section 501 of said code is amended to read:

Same Scope

501. The by-laws of a corporation may make provisions not in conflict with law or its articles for:

(a) The time, place, and manner of calling, conducting, and giving notice of shareholders' and directors' meetings. The by-laws may dispense with notice of all regular or annual meetings of shareholders except as required under Section 2201, or of all regular meetings of directors, or both.

(b) The method of publication of notices of meetings of the shareholders or directors when publication is required.

(c) The manner of execution, revocation, and use of proxies.

(d) The number, qualifications, duties, and compensation of directors; the time of their annual election; the requirements of a quorum for a directors' meeting, which shall not be less than one-third of the authorized number of directors nor less than two. The authorized number of directors may be changed by amendment of the articles, or, unless the articles forbid, by a by-law duly adopted by the shareholders, or, if the articles or

by-laws permit an indefinite number of directors pursuant to Section 301, by a by-law duly adopted by the directors; but the votes or written consents of shareholders holding more than 80 percent of the voting power are necessary to reduce the authorized number of directors below five.

(e) The appointment and authority of an executive committee and other committees of the board of directors.

(f) The appointment, duties, compensation, and tenure of office of officers other than directors.

(g) Special qualifications of persons who may be shareholders, and reasonable restrictions upon the right to transfer or hypothecate shares.

(h) The mode of determination of shareholders of record.

(i) The making of annual reports and financial statements to the shareholders or dispensing therewith.

(j) The issue of certificates for shares prior to full payment.

(k) Any other proper and lawful regulations.

SEC. 4. Section 3600 of said code is amended to read:

3600. By complying with the provisions of this chapter, a corporation may amend its articles for any or all of the following purposes: Charter amendments

(a) To adopt a new name, subject to the restrictions contained in Sections 309 and 310 of this code.

(b) To change or add to its powers or purposes, or to set forth different or additional powers or purposes.

(c) To change the location of its principal office to any other county within the State; but no amendment need be made to change the principal office from one location to another in the same county.

(d) To change the authorized number of directors, or to state the authorized number of directors as changed by amendment of the by-laws or other lawful proceeding, or to state or change the minimum and maximum number of directors authorized as permitted by Section 301, or to limit or forbid change thereof by the by-laws.

CHAPTER 968

An act to amend Section 19080 of the Business and Professions Code, relating to regulation of the furniture and bedding industry.

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 19080 of the Business and Professions Code is amended to read:

19080. A person shall not, at wholesale, retail, or otherwise, directly or indirectly, make, repair, renovate, process, prepare, sell, offer for sale, display, or deliver any article of upholstered Labeling

furniture or bedding or any filling materials in prefabricated form or loose in bags or containers, unless such article or material is plainly and indelibly labeled.

CHAPTER 969

An act to amend Section 5643 of the Public Resources Code, relating to park, recreation and parkway districts.

In effect September 9, 1953

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5643 of the Public Resources Code is amended to read:

Election of trustees

5643. The election shall be called and conducted and the candidates for the board of district trustees shall be nominated in accordance with the general district election provisions of this article, except that:

(a) The resolution calling the election shall be adopted by the board of supervisors within 30 days after the adoption of the resolution fixing and describing the boundaries of the district and designating its name;

(b) The names of persons submitted as candidates for the board of district trustees shall be filed with the board of supervisors not later than 20 days prior to the date specified for the election.

CHAPTER 970

An act to amend Sections 5631, 5652, 5654, and 5656 of, to add Section 5631.1 to, and to repeal Section 5657 of, the Public Resources Code, relating to park, recreation and parkway districts.

In effect September 9, 1953

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5631 of the Public Resources Code is amended to read:

Formation of district

5631. Any portion of a city or of the unincorporated area of any county not included in any other park, recreation and parkway district, and lying entirely outside any national forest, may be formed into a park, recreation and parkway district to acquire all necessary and proper lands, buildings, and equipment, and to do any necessary and proper construction work, including the planting of trees and shrubs, to secure, maintain and operate an adequate system of parks, recreation grounds, and facilities and parkways within the district.

SEC. 2. Section 5631.1 is added to said code, to read:

5631.1. All or part of a city may be included in a park, recreation and parkway district if there is obtained the consent of the governing body of such city.

SEC. 3. Section 5652 of said code is amended to read:

5652. Every election in the district shall be called by the board of trustees by a resolution entered on its minutes at least 30 days prior to the date of the election. The date for such elections shall be set so as to coincide with the election of the officials of the county in which is located the largest proportionate value of the land within the district, as shown by the last equalized assessment roll or rolls. District election

The resolution shall provide for the following:

(a) One or more precincts within the boundaries of the district, and one or more polling places in each precinct;

(b) An election board, consisting of at least one inspector and two judges, for each precinct;

(c) The time of the election, the hours during which the polls will be open, and the purpose for which the election is held;

(d) The manner of voting and the form of ballot to be used

Within 10 days after it is adopted the board shall cause copies of the resolution to be posted in three public places in each election precinct. The posting of the resolution shall be sufficient notice of the election called.

SEC 4. Section 5654 of said code is amended to read:

5654. The district shall be governed by a board of five trustees, each of whom shall be a resident of the district and a qualified elector of any county in which the district is situated. No person is eligible for election to the board unless for at least 30 days prior to the date of the election he was registered as an elector in a precinct within the district. Board of trustees

SEC. 5. Section 5656 of said code is amended to read:

5656. The first district trustees shall, at their first meeting, so classify themselves by lot that three of them go out of office at the next election of supervisors and the remaining two trustees at the next succeeding election of the supervisors. All successors of the original board of trustees shall serve for four years.

Each of the trustees elected to succeed the first district trustees shall take office on January 1st, following his election, and shall continue in office until his successor is elected and qualifies.

In the event that an elected trustee resigns, leaves the district or dies, the board of supervisors of the county in which is located the largest proportionate value of the lands within the district, as shown by the last equalized assessment roll or rolls, shall appoint a person, who is otherwise qualified to be a trustee, to serve out the unexpired term of such trustee.

SEC. 6. Section 5657 of said code is repealed. Repeal

CHAPTER 971

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, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 1, 1953. Filed with Secretary of State June 1, 1953.]

The people of the State of California do enact as follows:

"Budget Act of 1953"

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1953."

Budget appropriations

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 1953-54 Fiscal Year beginning July 1, 1953, and ending June 30, 1954. 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.

Variance 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 SECTION

Legislative

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$144,000
2—For pay of officers, clerks, and all other employees of the Senate	9,000

Item	Amount
3—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,200
4—For expenses of Members of the Senate	16,800
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.	760,000
6—For salaries of Assemblymen	288,000
7—For pay of officers, clerks, and all other employees of the Assembly	9,000
8—For mileage of Assemblymen and statutory officers of the Assembly	2,500
9—For expenses of Members of the Assembly	33,600
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.	885,000
11—For legislative printing, binding, mailing, etc., to be transferred by the State Controller to the Legislative Printing Fund	200,000
12—For contingent expenses of the State Capitol Committee	1,500
13—For support of Legislative Office in Alameda County	5,582
14—For support of Legislative Office at Los Angeles	5,707
15—For support of Legislative Office in San Diego	7,087
16—For support of Legislative Office at San Francisco	5,560
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.	273,937 Legislative Counsel

Schedule:

(a) Salaries and Wages	300,051
(b) Operating Expenses and Equipment	23,886
Total of schedule	323,937
Less: Estimated reimbursements:	
(c) For services to Code Commission	30,000
(d) For services to other state agencies	20,000
Net appropriation	273,937

	Item	Amount
Code Commission	18—For support of California Code Commission	30,250
Commission on Uniform State Laws	19—For support of California Commission on Uniform State Laws	4,450

JUDICIAL

Supreme Court	20—For support of Supreme Court of California	456,270
Judicial Council	21—For support of Judicial Council	85,842
	22—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council	30,000
District courts of appeal	23—For support of the District Court of Appeal, First Appellate District	208,672
	24—For support of the District Court of Appeal, Second Appellate District	321,063
	25—For support of the District Court of Appeal, Third Appellate District	114,233
	26—For support of the District Court of Appeal, Fourth Appellate District	119,950

EXECUTIVE

Governor	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)	365,618
	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	1,259,922
	31—For processing fingerprints and verifying the identification of civil defense volunteer workers, Office of Civil Defense	25,000
Disaster Council	32—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 1953-54 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 286, upon the direction of the Governor, the State Controller, and the Director of Finance and pursuant to	

Item		Amount	
the recommendation of the California State Disaster Council. The money so transferred may be expended as provided in said Item 286 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.			
33—For salary and support of Lieutenant Governor in accordance with the following schedule		38,770	Lieutenant Governor
Schedule:			
(a) Salaries and Wages	24,970		
(b) Operating Expenses and Equipment	13,800		
Total of schedule	38,770		

GENERAL ADMINISTRATION

34—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.		239,495	Employees' Retirement System
Schedule:			
(a) Salaries and Wages	458,020		
(b) Operating Expenses and Equipment	99,073		
Total of schedule	557,093		
Less: Estimated reimbursements:			
(c) For services to contracting agencies	317,598		
Net appropriation	239,495		
35—For support of California Commission on Interstate Cooperation		27,105	Commission on Interstate Cooperation
37—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.		1,561,303	Personnel Board
Schedule:			
(a) Salaries and Wages	1,346,475		
(b) Operating Expenses and Equipment	300,222		
Total of schedule	1,646,697		

Item		Amount
Less: Estimated reimbursements:		
(c) For services to other state agencies and units of local government	85,394	
Net appropriation	1,561,303	
Secretary of State — 38—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.		200,110
Schedule:		
(a) Salaries and Wages	160,900	
(b) Operating Expenses and Equipment	47,210	
Total of schedule	208,110	
Less: Estimated reimbursements:		
(c) For services to other agencies	8,000	
Net appropriation	200,110	
39—For support of Division of Collection Agencies, Secretary of State's Office, payable from the Collection Agency Fund, in accordance with the following schedule		37,976
Schedule:		
(a) Salaries and Wages	22,884	
(b) Operating Expenses and Equipment	15,092	
Total of schedule	37,976	

AGRICULTURE

Department of Agriculture — 40—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.		5,316,149
Schedule:		
(a) Salaries and Wages	3,982,832	
(b) Operating Expenses and Equipment	1,721,976	
Total of schedule	5,704,808	

Item		Amount
Less: Estimated reimbursements:		
(c) For services rendered to activities supported from other funds	388,659	
Net appropriation	5,316,149	
41—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		61,895
42—For moving expense, Department of Agriculture		25,000
43—For support of Department of Agriculture, payable from the Department of Agriculture Fund, in accordance with the following schedule		4,315,769
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	3,006,807	
(b) Operating Expenses and Equipment	1,333,962	
Total of schedule	4,340,769	
Less: Estimated reimbursements:		
(c) For services to activities supported out of other funds	25,000	
Net appropriation	4,315,769	
44—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund		79,167
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	38,276	
(b) Operating Expenses and Equipment	41,575	
Total of schedule	79,851	
Less: Estimated reimbursements:		
(c) For services to employees	684	
Net appropriation	79,167	

Poultry Improvement Commission

Item	Amount
Poultry Testing Project Fund	
45—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 to be transferred by the State Controller to the Poultry Testing Project Fund.	22,337
CORRECTIONS	
Department of Corrections	
46—For support of Departmental Administration, and Board of Corrections, Department of Corrections, in accordance with the following schedule	354,098
Schedule:	
(a) Salaries and Wages 308,077	
(b) Operating Expenses and Equipment 46,021	
Total of schedule 354,098	
47—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	67,000
48—For expenses of returning fugitives from justice from outside the State in accordance with the provisions of Section 1557 of the Penal Code	202,000
49—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
50—For payment of compensation to prisoners engaged in productive work as a part of the prison work program in any state prison or institution under the jurisdiction of the Department of Corrections, to be allocated to the several prisons and institutions by executive order of the Department of Finance upon the request of the Director of Corrections	100,000
Medical Facility	
51—For support of the Medical Facility, Department of Corrections, in accordance with the following schedule	1,393,600
and in addition thereto any amounts collected for services to employees, and other agencies,	

Item		Amount
which by law are available for support of said institution.		
Schedule:		
(a) Salaries and Wages	914,609	
(b) Operating Expenses and Equipment	560,271	
Total of schedule	1,474,880	
Less: Estimated reimbursements:		
(c) For services to employees	26,580	
(d) For maintenance of Public Health wards	54,700	
Net appropriation	1,393,600	
52—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule and in addition thereto any amounts collected for services to employees, and other agencies, which by law are available for support of said institution.		2,499,016 California Institution for Men
Schedule:		
(a) Salaries and Wages	1,615,998	
(b) Operating Expenses and Equipment	1,128,578	
(c) Inmate Pay-work Projects	62,365	
Total of schedule	2,806,941	
Less: Estimated reimbursements:		
(d) For services to employees	33,965	
(e) For services to correctional industries	45,890	
(f) For services to Division of Forestry	178,070	
(g) For services to United States Forest Service	50,000	
Net appropriation	2,499,016	
53—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule and in addition thereto any amounts collected for services to employees, and other agencies, which by law are available for support of said institution.		2,447,403 State prisons Folsom
Schedule:		
(a) Salaries and Wages	1,489,412	
(b) Operating Expenses and Equipment	1,198,755	

Item		Amount
	(c) Inmate Pay-work Projects	36,600
	Total of schedule	2,724,767
	Less: Estimated reimbursements:	
	(d) For services to employees	62,800
	(e) For services to correctional industries and to the Division of Architecture	37,940
	(f) For services to Division of Forestry	101,924
	(g) For services to United States Forest Service	74,700
	Net appropriation	2,447,403
San Quentin	54—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule and in addition thereto any amounts collected for services to employees and other agencies, which by law are available for support of said institution.	4,244,121
	Schedule:	
	(a) Salaries and Wages	2,431,173
	(b) Operating Expenses and Equipment	2,150,219
	(c) Inmate Pay-work Projects	58,520
	Total of schedule	4,639,912
	Less: Estimated reimbursements:	
	(d) For services to employees and inmates	86,580
	(e) For services to correctional industries and to the Division of Architecture	19,280
	(f) For services to Division of Forestry	100,931
	(g) For services to United States Forest Service	189,000
	Net appropriation	4,244,121
Soledad	55—For support of California State Prison at Soledad, Department of Corrections, in accordance with the following schedule and in addition thereto any amounts collected for services to employees, and other agencies, which by law are available for support of said institution.	2,248,010
	Schedule:	
	(a) Salaries and Wages	1,372,786
	(b) Operating Expenses and Equipment	1,123,604

Item		Amount	
(c) Inmate Pay-work Projects	42,960		
Total of schedule	2,539,350		
Less: Estimated reimbursements:			
(d) For services to employees and sale of surplus products	52,280		
(e) For services to correctional industries	31,065		
(f) For services to Division of Forestry	89,420		
(g) For services to United States Forest Service	118,575		
Net appropriation	2,248,010		
56—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule and in addition thereto any amounts collected for services to employees, and other agencies which by law are available for support of said institution.		1,755,630	Deuel Vocational Institution
Schedule:			
(a) Salaries and Wages	1,171,707		
(b) Operating Expenses and Equipment	619,583		
Total of schedule	1,791,290		
Less: Estimated reimbursements:			
(c) For services to employees	28,360		
(d) For services to correctional industries	7,300		
Net appropriation	1,755,630		
57—For expenses of moving institution supplies and equipment, inmates, employees and their belongings from old to new facilities, increased complement and initial issue of supplies, and repairs to equipment, Deuel Vocational Institution, Department of Corrections		85,000	
58—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule 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 institution.		593,511	Institution for Women

Item		Amount
	Schedule:	
	(a) Salaries and Wages	388,786
	(b) Operating Expenses and Equipment	218,155
	Total of schedule	606,941
	Less: Estimated reimbursements:	
	(c) For services to employees and sale of surplus products	11,855
	(d) For services to correctional industries	1,575
	Net appropriation	593,511
Adult Authority	59—For support of Adult Authority, Department of Corrections, in accordance with the following schedule	987,369
	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	728,020
	(b) Operating Expenses and Equipment	289,324
	Total of schedule	1,017,344
	Less: Estimated reimbursements:	
	(c) From parolees for cash or other assistance advanced	29,975
	Net appropriation	987,369
Board of Trustees, California Institution for Women	60—For support of Board of Trustees, California Institution for Women, Department of Corrections, in accordance with the following schedule	72,862
	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	50,820
	(b) Operating Expenses and Equipment	22,512
	Total of schedule	73,332
	Less: Estimated reimbursements:	
	(c) From parolees for cash assistance advanced	470
	Net appropriation	72,862

YOUTH AUTHORITY

Item		Amount	
			Youth Authority
61—For support of Departmental Administration, Youth Authority, in accordance with the following schedule		1,261,840	
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	938,683		
(b) Operating Expenses and Equipment	323,157		
Total of schedule	1,261,840		
62—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	
63—For deportation of nonresidents committed to the Youth Authority		30,445	
64—For transportation of persons committed to the Youth Authority to or between its facilities, including the return of parole violators		91,800	
65—For maintenance of persons committed to the Youth Authority and paroled to the custody of private foster homes		38,500	
66—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	
67—For support of Northern California Reception Center and Clinic, Youth Authority, in accordance with the following schedule		199,920	
and in addition thereto any amounts collected for services to employees, and other agencies, which by law are available for support of said institution.			
Schedule:			
(a) Salaries and Wages	150,410		
(b) Operating Expenses and Equipment	56,970		
Total of schedule	207,380		
Less: Estimated reimbursements:			
(c) For services to employees	7,460		
Net appropriation	199,920		

Item		Amount
68—For purchase of materials and supplies to provide initial inventory and for moving expenses of employees and their belongings from other facilities, Northern California Reception Center and Clinic, Youth Authority		16,000
69—For support of Southern California Reception Center and Clinic, Youth Authority, in accordance with the following schedule		20,937
Schedule:		
(a) Salaries and Wages	17,267	
(b) Operating Expenses and Equipment	3,670	
Total of schedule	20,937	
Youth Authority Camps — 70—For support of Youth Authority Camps, Youth Authority, in accordance with the following schedule		291,495
and in addition thereto any amounts collected for services to employees and to the Division of Forestry, which by law are available for support of said camps.		
Schedule:		
(a) Salaries and Wages	276,170	
(b) Operating Expenses and Equipment	253,523	
(c) Inmate Pay-work Projects	40,755	
Total of schedule	570,448	
Less: Estimated reimbursements:		
(d) For services to employees	9,365	
(e) For services to Division of Forestry	269,588	
Net appropriation	291,495	
Fricot Ranch School — 71—For support of Fricot Ranch School for Boys, Youth Authority, in accordance with the following schedule		327,052
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	233,369	
(b) Operating Expenses and Equipment	109,798	
Total of schedule	343,167	

Item		Amount
Less: Estimated reimbursements:		
(c) For services to employees and sale of surplus products	16,115	
Net appropriation	327,052	
72—For support of the Fred C. Nelles School for Boys, Youth Authority, 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 school.		787,325 (Fred C. Nelles School)
Schedule:		
(a) Salaries and Wages	622,027	
(b) Operating Expenses and Equipment	186,518	
Total of schedule	808,545	
Less: Estimated reimbursements:		
(c) For services to employees and sale of surplus products	21,220	
Net appropriation	787,325	
73—For support of Paso Robles School for Boys, Youth Authority, in accordance with the following schedule 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.		504,567 (Paso Robles School)
Schedule:		
(a) Salaries and Wages	344,962	
(b) Operating Expenses and Equipment	172,265	
Total of schedule	517,227	
Less: Estimated reimbursements:		
(c) For services to employees and sale of surplus products	12,660	
Net appropriation	504,567	
74—For support of Preston School of Industry, Youth Authority, in accordance with the following schedule 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.		1,471,766 (Preston School of Industry)

Item		Amount
	Schedule:	
	(a) Salaries and Wages	1,111,507
	(b) Operating Expenses and Equipment	440,714
	Total of schedule	1,552,221
	Less: Estimated reimbursements:	
	(c) For services to employees and other agencies, and sale of surplus products	80,455
	Net appropriation	1,471,766
Los Guilucos School	75—For support of Los Guilucos School for Girls, Youth Authority, in accordance with the following schedule	531,972
	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	377,362
	(b) Operating Expenses and Equipment	163,790
	Total of schedule	541,152
	Less: Estimated reimbursements:	
	(c) For services to employees and sale of surplus products	9,180
	Net appropriation	531,972
Ventura School	76—For support of Ventura School for Girls, Youth Authority, in accordance with the following schedule	565,612
	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	436,482
	(b) Operating Expenses and Equipment	143,400
	Total of schedule	579,882
	Less: Estimated reimbursements:	
	(c) For services to employees and sale of surplus products	14,270
	Net appropriation	565,612

EDUCATION

Item		Amount	
77—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule ..... 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.		2,225,369	Department of Education
Schedule:			
(a) Salaries and Wages	1,838,787		
(b) Operating Expenses and Equipment	588,795		
Total of schedule	2,427,582		
Less: Estimated reimbursements:			
(c) For services to other activities, for sale of bulletins, and for services to local school districts and the Federal Government	202,213		
Net appropriation	2,225,369		
77.5—For expenses for a survey of the County School Service Fund, Department of Finance To be expended directly by the Department of Finance and under contract with the State Personnel Board, and the Department of Education, for services to the Department of Finance by the State Personnel Board, and the Division of School Administration of the Department of Education. Notwithstanding other provisions of this section, the appropriation made by this item shall be available for expenditure until June 30, 1955.		35,000	County School Service Fund survey
78—For administration of child care centers, Department of Education, pursuant to Chapter 11, Division 9 of the Education Code		31,112	Child care centers
79—For administration of Sections 12105.1 and 12105.2 of the Education Code, Department of Education		65,000	
80—For vocational education, Department of Education, in lieu of the appropriations made by Education Code, Sections 5705, 5706, and 9161 ..... 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		653,167	Vocational education

Item		Amount
	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.	
Teacher training, etc	81—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	3,343
	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.	
Fire training	82—For fire training and fire training institutes, Department of Education	82,169
	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.	
Vocational rehabilitation	83—For vocational rehabilitation, Department of Education, in lieu of the appropriations made by Education Code, Sections 5803 and 5804	1,246,000
	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.	

Item		Amount
Schedule:		
(a) Salaries and Wages	934,829	
(b) Operating Expenses and Equipment	1,913,003	
Total of schedule	2,847,832	
Less: Estimated reimbursements:		
(c) For services to other agencies	1,832	
(d) Federal Government contributions	1,600,000	
Net appropriation	1,246,000	
84—For support of Division of Libraries, Department of Education, 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.		494,459
Schedule:		
(a) Salaries and Wages	382,697	
(b) Operating Expenses and Equipment	112,362	
Total of schedule	495,059	
Less: Estimated reimbursements:		
(c) For photostat services	600	
Net appropriation	494,459	
85—For support of Chico State College, in accordance with the following schedule 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.		1,077,901
Schedule:		
(a) Salaries and Wages	980,744	
(b) Operating Expenses and Equipment	213,542	
Total of schedule	1,194,286	
Less: Estimated reimbursements:		
(c) For services to other agencies and other funds	495	
(d) Estimated student fees appropriated by Education Code, Section 20344	78,823	

Division of Libraries

State Colleges: Chico

Item		Amount
	(e) From Federal Government for education of veterans, appropriated by Education Code, Section 20252 37,067	
	Net appropriation 1,077,901	
Fresno	86—For support of Fresno State College, in accordance with the following schedule ..... and in addition thereto the amount of such reimbursements for services to other agencies, and 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.	1,810,037
	Schedule:	
	(a) Salaries and Wages 1,757,862	
	(b) Operating Expenses and Equipment 332,073	
	Total of schedule 2,089,935	
	Less: Estimated reimbursements:	
	(c) For services to other agencies and other funds 8,255	
	(d) Estimated student fees appropriated by Education Code, Section 20344 224,043	
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252 47,600	
	Net appropriation 1,810,037	
	87—For additional support, Fresno State College, payable from the State College Fund, in accordance with the following schedule ..... and in addition thereto the amount of such reimbursements for services to other agencies, sales of surplus products and equipment rentals which by law are available for support of said college.	329,550
	Schedule:	
	(a) Salaries and Wages 210,997	
	(b) Operating Expenses and Equipment 120,553	
	Total of schedule 331,550	

Item		Amount
Less: Estimated reimbursements: For sale of surplus products and equipment rentals	2,000	
Net appropriation	329,550	
88—For support of Humboldt State College, in accordance with the following schedule and in addition thereto the amount of such reimbursements for services to other agencies, and 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.		800,969 Humboldt
Schedule:		
(a) Salaries and Wages	673,720	
(b) Operating Expenses and Equipment	175,274	
Total of schedule	848,994	
Less: Estimated reimbursements:		
(c) For services to other agencies and other funds	450	
(d) Estimated student fees appropriated by Education Code, Section 20344	33,390	
(e) From Federal Government for education of veterans, appropriated by Education Code, Section 20252	14,185	
Net appropriation	800,969	
89—For support of Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule and in addition thereto such reimbursements for services to other agencies and 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.		1,784,069 Los Angeles
Schedule:		
(a) Salaries and Wages	1,486,972	
(b) Operating Expenses and Equipment	601,711	
Total of schedule	2,088,683	
Less: Estimated reimbursements:		
(c) For services to Los Angeles Junior College	21,555	

Item		Amount
	(d) Estimated student fees appropriated by Education Code, Section 20344	216,878
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	66,181
	Net appropriation	1,784,069
Long Beach	90—For support of Long Beach State College, in accordance with the following schedule 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.	1,210,489
	Schedule:	
	(a) Salaries and Wages	1,122,912
	(b) Operating Expenses and Equipment	241,498
	Total of schedule	1,364,410
	Less: Estimated reimbursements:	
	(c) For services to other agencies and other funds	2,500
	(d) Estimated student fees appropriated by Education Code, Section 20344	121,475
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	29,946
	Net appropriation	1,210,489
Sacramento	91—For support of Sacramento 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.	1,054,598
	Schedule:	
	(a) Salaries and Wages	992,955
	(b) Operating Expenses and Equipment	223,893
	Total of schedule	1,216,848

Item		Amount
Less: Estimated reimbursements:		
(c) Estimated student fees appropriated by Education Code, Section 20344	107,950	
(d) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	54,300	
Net appropriation	1,054,598	
92—For support of San Diego State College, in accordance with the following schedule 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.		2,106,212 San Diego
Schedule:		
(a) Salaries and Wages	2,066,587	
(b) Operating Expenses and Equipment	396,321	
Total of schedule	2,462,908	
Less: Estimated reimbursements:		
(c) For services to other funds	1,200	
(d) Estimated student fees appropriated by Education Code, Section 20344	245,015	
(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	110,481	
Net appropriation	2,106,212	
93—For support of San Francisco State College, in accordance with the following schedule and in addition thereto the amount of such reimbursements for services to other agencies and 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.		2,447,304 San Francisco
Schedule:		
(a) Salaries and Wages	2,454,237	
(b) Operating Expenses and Equipment	514,327	
Total of schedule	2,968,564	

Item		Amount
	Less: Estimated reimbursements:	
	(c) For services to other agencies and other funds	8,600
	(d) Estimated student fees appropriated by Education Code, Section 20344	410,714
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	101,946
	Net appropriation	2,447,304
San Jose	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.	3,094,649
	Schedule:	
	(a) Salaries and Wages	3,052,320
	(b) Operating Expenses and Equipment	538,883
	Total of schedule	3,591,203
	Less: Estimated reimbursements:	
	(c) For sale of materials for student projects	4,000
	(d) Estimated student fees appropriated by Education Code, Section 20344	405,696
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	86,858
	Net appropriation	3,094,649
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 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,	2,545,120

Item		Amount
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	2,282,208	
(b) Operating Expenses and Equipment	573,545	
Total of schedule	2,855,753	
Less: Estimated reimbursements:		
(c) For services to employees, to activities supported from other funds and to other agencies, and from sale of surplus products	154,171	
(d) Estimated student fees appropriated by Education Code, Section 20344	65,586	
(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	90,876	
Net appropriation	2,545,120	
96—For support of California Maritime Academy		272,912 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.		
Schedule:		
(a) Salaries and Wages	259,337	
(b) Operating Expenses and Equipment	149,071	
Total of schedule	408,408	
Less: Estimated reimbursements:		
(c) For services to employees and others	7,482	
(d) Estimated student fees appropriated by Sections		

Item		Amount
	21155.1 and 21158 of the Education Code 103,014	
	(e) Estimated Federal Government contributions 25,000	
	Net appropriation 272,912	
School for Blind	97—For support of California School for the Blind, 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.	432,265
	Schedule:	
	(a) Salaries and Wages 360,528	
	(b) Operating Expenses and Equipment 104,439	
	Total of schedule 464,967	
	Less: Estimated reimbursements:	
	(c) For services to students, employees, and other agencies 32,702	
	Net appropriation 432,265	
School for Deaf	98—For support of California School for the Deaf, Berkeley, in accordance with the following schedule ..... 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.	995,709
	Schedule:	
	(a) Salaries and Wages 769,613	
	(b) Operating Expenses and Equipment 275,774	
	Total of schedule 1,045,387	
	Less: Estimated reimbursements:	
	(c) For services to employees, other agencies, counties and students 49,678	
	Net appropriation 995,709	
	99—For support of California School for the Deaf, Riverside, in accordance with the following schedule ..... 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.	498,138

Item		Amount
Schedule:		
(a) Salaries and Wages	406,302	
(b) Operating Expenses and Equipment	105,796	
Total of schedule	512,098	
Less: Estimated reimbursements:		
(c) For services to employees, other agencies, counties and students	13,960	
Net appropriation	498,138	
100—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule 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.		295,205 Cerebral Palsied Children Northern California
Schedule:		
(a) Salaries and Wages	182,403	
(b) Operating Expenses and Equipment	117,009	
Total of schedule	299,412	
Less: Estimated reimbursements:		
(c) For services to employees and other agencies	4,207	
Net appropriation	295,205	
101—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule 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.		349,465 Southern California
Schedule:		
(a) Salaries and Wages	211,786	
(b) Operating Expenses and Equipment	143,037	
Total of schedule	354,823	
Less: Estimated reimbursements:		
(c) For services to employees and other agencies	5,358	
Net appropriation	349,465	

Item		Amount
Oakland Orientation Center	102—For support of Oakland Orientation Center, 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.	247,835
	Schedule:	
	(a) Salaries and Wages	189,386
	(b) Operating Expenses and Equipment	90,820
	Total of schedule	280,206
	Less: Estimated reimbursements:	
	(c) For services to employees and other agencies	32,371
	Net appropriation	247,835
Industries for Blind Centers Los Angeles	103—For support of Los Angeles Center, California Industries for the Blind, in accordance with the following schedule	106,808
	Schedule:	
	(a) Salaries and Wages	86,195
	(b) Operating Expenses and Equipment	20,613
	Total of schedule	106,808
Oakland	104—For support of Oakland Center, California Industries for the Blind, in accordance with the following schedule and in addition thereto any reimbursements for services to other agencies which by law are available for support of said agency.	83,038
	Schedule:	
	(a) Salaries and Wages	42,324
	(b) Operating Expenses and Equipment	42,400
	Total of schedule	84,724
	Less: Estimated reimbursements:	
	(c) For services to other agencies	1,686
	Net appropriation	83,038
San Diego	105—For support of San Diego Center, California Industries for the Blind, in accordance with the following schedule	44,440
	Schedule:	
	(a) Salaries and Wages	34,246
	(b) Operating Expenses and Equipment	10,194
	Total of schedule	44,440

Item		Amount	
106—For support of State Teachers' Retirement System, in accordance with the following schedule		154,195	Teachers' Retirement System
Schedule:			
(a) Salaries and Wages	119,941		
(b) Operating Expenses and Equipment	34,254		
Total of schedule	154,195		
107—For support of University of California, exempt from Section 15 of this act		52,608,399	University of California
107.5—For nematode control research, University of California, 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	Nematode control research
108—For support of an institute of real estate, University of California, payable from the Real Estate Fund, to be expended during the period July 1, 1953, to June 30, 1956, exempt from the provisions of Section 15 of this act; provided, however, that not more than $100,000 may be expended during the Fiscal Year 1953-54		300,000	Institute of real estate
108.1—For support and carrying on of research relating to the reduction of sea water to water suitable for domestic and agricultural uses in mass quantities and low cost, University of California, exempt from Section 15 of this act		100,000	Sea water reduction research
109—For support of Hastings College of Law		7,000	Hastings College of Law
109.5—For a survey of higher education in California as a partial cost of a contemplated two-year survey. Notwithstanding other provisions of this section the appropriation made by this item shall be available for expenditure until June 30, 1955, to be allocated by the Director of Finance, in the amounts as he finds necessary, to the Department of Education, the Superintendent of Public Instruction, the State Board of Education, and the University of California.		35,000	Higher education survey

FISCAL AFFAIRS

110—For support of State Board of Control, in accordance with the following schedule		22,703	Board of Control

Item		Amount
	Schedule:	
	(a) Salaries and Wages	9,908
	(b) Operating Expenses and Equipment	12,795
	Total of schedule	22,703
Controller	111—For support of State Controller and in addition thereto any amounts collected for services rendered special programs for audit of appropriations for aid to local government. The appropriation made by this item, together with the amount appropriated by Item 116, shall be expended in accordance with the following schedule.	2,099,889
	Schedule:	
	(a) Salaries and Wages	1,655,137
	(b) Operating Expenses and Equipment	516,422
	Total of schedule	2,171,559
	Less: Estimated reimbursements:	
	(c) For services rendered special programs for audit of appropriations for aid to local government	22,784
	(d) Amount payable from appropriation for additional support, Item 116	48,886
	Net appropriation	2,099,889
Tax Collection Division	112—For support of Tax Collection Division, State Controller, payable from the Motor Vehicle Transportation Tax Fund	113,400
	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	100,626
	(b) Operating Expenses and Equipment	30,330
	Total of schedule	130,956
	Less: Estimated reimbursements:	
	(c) Amount payable from appropriation, Item 111	17,556
	Net appropriation	113,400
	113—For audit of special appropriations for aid to local government under Chapter 47, Statutes of 1944, Fourth Extraordinary Session, and	

Item		Amount	
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 Extraordinary Session		22,784	
114—For support of Bureau of Highway Accounts and Reports and Motor Vehicle Fuel Tax Refund Division, 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, in accordance with the following schedule		310,957	Bureau of Highway Accounts and Reports and Motor Vehicle Fuel Tax Refund Division
Schedule:			
(a) Salaries and Wages	243,032		
(b) Operating Expenses and Equipment	67,925		
Total of schedule	310,957		
115—For support of Tax-deeded Lands Division, State Controller, payable from the State Redemption Tax Fund, in accordance with the following schedule		183,199	Tax-deeded Lands Division
and in addition thereto any amounts collected for services which by law are available for support of such agency.			
Schedule:			
(a) Salaries and Wages	154,647		
(b) Operating Expenses and Equipment	46,552		
Total of schedule	201,199		
Less: Estimated reimbursements:			
(c) For services to political subdivisions	18,000		
Net appropriation	183,199		
116—For additional support of State Controller, payable from the Public School Building Loan Fund		48,886	Controller
117—For support of State Board of Equalization, in accordance with the following schedule		12,317,876	Board of Equalization
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.			

Item		Amount
	Schedule:	
	(a) Salaries and Wages	10,726,871
	(b) Operating Expenses and Equipment	1,942,277
	Total of schedule	12,669,148
	Less: Estimated reimbursements:	
	(c) For services to activities supported out of other funds	254,373
	(d) For mapping services to counties	80,000
	(e) For services to other state and public agencies	16,899
	Net appropriation	12,317,876
Motor Transportation License Tax Division	118—For support of Motor Transportation License Tax Division, State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund 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 119, shall be expended in accordance with the following schedule.	754,520
	Schedule:	
	(a) Salaries and Wages	533,807
	(b) Operating Expenses and Equipment	244,107
	Total of schedule	777,914
	Less: Estimated reimbursements:	
	(c) Amount payable from appropriation for additional support, Item 119	23,394
	Net appropriation	754,520
	119—For additional support of Motor Transportation License Tax Division, State Board of Equalization, payable from the Itinerant Merchants Fund	23,394
Motor Vehicle Fuel Tax Division	120—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	480,316
	Schedule:	
	(a) Salaries and Wages	368,811
	(b) Operating Expenses and Equipment	111,505
	Total of schedule	480,316

Item		Amount
121—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 123 hereof, shall be expended in accordance with the following schedule.		2,348,982 Department of Finance
Schedule:		
(a) Salaries and Wages	2,256,278	
(b) Operating Expenses and Equipment	295,622	
Total of schedule	2,551,900	
Less: Estimated reimbursements:		
(c) For services to other agencies and/or divisions of said department	132,918	
(d) Amount payable from Fair and Exposition Fund (Item 123)	70,000	
Net appropriation	2,348,982	
122—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.		90,685
123—For support of the Audits Division, State Department of Finance, payable from the Fair and Exposition Fund		70,000 Audits Division
124—For payment of automobile liability claims and salaries and expenses incident to investigation, adjustment and defense thereof, or for premiums for automobile liability insurance, Department of Finance, in accordance with the following schedule and in addition thereto amounts collected from other funds which by law are available for purchase of such insurance.		157,500

Item		Amount
	Schedule:	
	(a) Operating Expenses 450,000	
	Less: Estimated reimbursements:	
	(b) Estimated charges to other funds 292,500	
	Net appropriation 157,500	
	125—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
	126—For official advertising, Department of Finance	18,000
	127—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
	128—For distribution of state documents to libraries as provided by Sections 13660 to 13667, inclusive, of the Government Code, Department of Finance	47,000
Buildings and Grounds Division	129—For support, Buildings and Grounds Division, Department of Finance ..... 3,140,454 provided, that the State Controller, upon written authorization of the Department of Finance may make transfers in such amounts as determined necessary by the Department of Finance in advance of the transfers prescribed by Section 13165 of the Government Code.	
Office buildings, etc	130—For alterations, repairs, and equipment, State Capitol, state office buildings, and rented office buildings, Department of Finance	75,000
State burying ground	131—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	132—For support of Local Allocations Division, Department of Finance	51,164
	133—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 (First Extraordinary Session)	26,450

Item		Amount
134—For additional support of Local Allocations Division, Department of Finance, payable from the Public School Building Loan Fund		201,624
The appropriation made by this item, together with the amounts appropriated by Items 132, 133 and 135, shall be expended in accordance with the following schedule.		
Schedule:		
(a) Salaries and Wages	361,391	
(b) Operating Expenses and Equipment	72,208	
Total of schedule	433,599	
Less:		
(c) Amount payable from General Fund (Item 132)	51,164	
(d) Amount payable from Postwar Unemployment and Construction Fund (Item 133)	26,450	
(e) Amount payable from State School Building Aid Fund (Item 135)	154,361	
Net appropriation	201,624	
135—For additional support of Local Allocations Division, Department of Finance, payable from the State School Building Aid Fund		154,361
136—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		101,908
Schedule:		
(a) Salaries and Wages	77,256	
(b) Operating Expenses and Equipment	24,652	
Total of schedule	101,908	
137—For support of State Agricultural Society, Division of Fairs and Expositions, Department of Finance, payable from the State Agricultural Society Contingent Fund		1,875,333
138—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		484,939
to be transferred to the State Agricultural Society Contingent Fund by the State Controller.		

Division of Fairs and Expositions

State Agricultural Society

Same Contingent Fund

Item		Amount
Sixth District Agricultural Association	139—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	119,504
	Schedule:	
	(a) Salaries and Wages 99,527	
	(b) Operating Expenses and Equipment 19,977	
	Total of schedule 119,504	
	140—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	2,000
	141—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	16,000
	to be transferred to the Sixth District Agricultural Association Fund by the State Controller.	
Division of State Lands	142—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	260,315
	and in addition thereto any amounts collected for services which by law are available for support of said agency.	
	Schedule:	
	(a) Salaries and Wages 309,036	
	(b) Operating Expenses and Equipment 121,409	
	Total of schedule 430,445	
	Less: Estimated reimbursements:	
	(c) For administration of tide and submerged leases 163,530	
	(d) For services to other agencies 6,600	
	Net appropriation 260,315	
	143—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	50,000

Item		Amount	
144—For expenses in connection with the Arizona-California Colorado River boundary determination, Division of State Lands, Department of Finance, payable from the State Lands Act Fund		10,000	
145—For support of Napa State Farm, Department of Finance, in accordance with the following schedule		18,240	Napa State Farm
and in addition thereto, any amounts collected for services to employees which by law are available for support of said agency.			
Provided, however, that no money appropriated by this item shall be available for encumbrance after December 31, 1953.			
Schedule:			
(a) Salaries and Wages	13,190		
(b) Operating Expenses and Equipment	5,512		
Total of schedule	18,702		
Less: Estimated reimbursements:			
(c) For services to employees	462		
Net appropriation	18,240		
146—For support of Franchise Tax Board, in accordance with the following schedule		3,894,157	Franchise Tax Board
Schedule:			
(a) Salaries and Wages	3,280,900		
(b) Operating Expenses and Equipment	613,257		
Total of schedule	3,894,157		
147—For support of the State Treasurer in accordance with the following schedule		281,484	State Treasurer
and in addition thereto any amounts collected for services which by law are available for support of said agency.			
Schedule:			
(a) Salaries and Wages	191,849		
(b) Operating Expenses and Equipment	107,635		
Total of schedule	299,484		
Less: Estimated reimbursements:			
(c) For bond collection services to other funds	18,000		
Net appropriation	281,484		

HIGHWAY PATROL

Item		Amount
Highway Patrol	148—For support of the Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule	12,459,988

and in addition thereto any amounts collected from rentals, services to employees, 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 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; provided further, that no expenditure shall be made from the appropriation made by this item in connection with the activities of the California Highway Patrol Auxiliary.

Schedule:

(a)	Salaries and Wages	8,924,586
(b)	Operating Expenses and Equipment	3,611,082
	Total of schedule	12,535,668
Less:	Estimated reimbursements:	
(c)	Rentals received from the Department of Motor Vehicles	12,110
(d)	Recovery of cost of administering pedestrian crossing guards program	40,000
(e)	Services to employees	6,570
(f)	Services to Governor's Office	10,000
(g)	Services to Lieutenant Governor's Office	7,000
	Net appropriation	12,459,988

148.5—For augmentation of Item 148 to be allocated by executive order of the Department of Finance to the Department of California Highway Patrol for rental and maintenance of communication facilities, payable from the Motor Vehicle Fund 150,000

No expenditure shall be made from this item until the Department of Finance has verified and substantially concurred in the technical data, cost comparison, and offer contained in

Item		Amount
the reports on the communication system of the California Highway Patrol made to the Legislature pursuant to the resolution of the Senate Finance Committee under date of March 4, 1953.		
148.6—For additional support, Department of the California Highway Patrol, payable from the Motor Vehicle Fund, to be allocated for augmentation of Item 148 by executive order of the Department of Finance for additional positions in accordance with an organization study		30,000
INDUSTRIAL RELATIONS		
149—For support of Department of Industrial Relations, in accordance with the following schedule		5,195,153 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, and any miscellaneous reimbursements which by law are available for support of said agency.		
Schedule:		
(a) Salaries and Wages	4,228,691	
(b) Operating Expenses and Equipment	1,010,008	
Total of schedule	5,238,699	
Less:		
(c) Estimated amounts to be received from the Federal Government for administration of apprenticeship and other on-the-job training	40,414	
(d) Miscellaneous reimbursements	3,132	
Net appropriation	5,195,153	
150—For payment of the additional compensation for subsequent injury provided for by Section 4751 of the Labor Code, Department of Industrial Relations		125,000
151—For support of State Fire Marshal, in accordance with the following schedule		301,382 State Fire Marshal
Schedule:		
(a) Salaries and Wages	232,911	
(b) Operating Expenses and Equipment	68,471	
Total of schedule	301,382	

INVESTMENT

Item		Amount
Division of Banking	152—For support of Division of Banking, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule	370,143
	Schedule:	
	(a) Salaries and Wages 281,938	
	(b) Operating Expenses and Equipment 88,205	
	Total of schedule 370,143	
Division of Building and Loan	153—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	210,140
	Schedule:	
	(a) Salaries and Wages 162,404	
	(b) Operating Expenses and Equipment 47,736	
	Total of schedule 210,140	
Division of Corporations	154—For support of Division of Corporations, Department of Investment, in accordance with the following schedule	749,403
	Schedule:	
	(a) Salaries and Wages 639,683	
	(b) Operating Expenses and Equipment 109,720	
	Total of schedule 749,403	
Department of Insurance	155—For support of the Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule	1,194,593
	and in addition thereto any amounts collected for services to activities which by law are available for support of said department.	
	Schedule:	
	(a) Salaries and Wages 944,538	
	(b) Operating Expenses and Equipment 279,055	
	Total of schedule 1,223,593	
	Less: Estimated reimbursements:	
	(c) For services to insurance companies in liquidation 24,000	
	(d) Charges to insurance companies for appraisals 5,000	
	Net appropriation 1,194,593	
Division of Real Estate	156—For support of the Division of Real Estate, Department of Investment, payable from the	

Item		Amount	
Real Estate Fund, in accordance with the following schedule		733,793	
Schedule:			
(a) Salaries and Wages	512,143		
(b) Operating Expenses and Equipment	221,650		
Total of schedule	733,793		
157—For support of California Districts Securities Commission, in accordance with the following schedule		43,151	Districts Securities Commission
and in addition thereto any amounts collected from districts for consulting and engineering services which by law are available for support of said agency.			
Schedule:			
(a) Salaries and Wages	31,958		
(b) Operating Expenses and Equipment	12,193		
Total of schedule	44,151		
Less: Estimated reimbursements:			
(c) From districts for consulting and engineering services	1,000		
Net appropriation	43,151		
JUSTICE			
158—For support of Department of Justice		2,851,213	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 shall be expended in accordance with the following schedule.			
Schedule:			
(a) Salaries and Wages	2,402,713		
(b) Operating Expenses and Equipment	842,495		
Total of schedule	3,245,208		
Less: Estimated reimbursements:			
(c) Charges to special fund agencies for legal services	177,495		
(d) Charges to other agencies for teletype service	110,000		
(e) Services to other agencies	106,500		
Net appropriation	2,851,213		
159—For fees to special counsel employed pursuant to Section 12520 of the Government Code, Department of Justice		2,500	

Item	Amount
160—For litigation and legal services in connection with activities of the Colorado River Board of California, Department of Justice	49,904

MENTAL HYGIENE

Department of Mental Hygiene

161—For support of Department of Mental Hygiene, in accordance with the following schedule 1,979,101

Schedule:

(a) Salaries and Wages	1,498,476
(b) Operating Expenses and Equipment	480,625
Total of schedule	1,979,101

162—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 ..... 121,288 and in addition thereto the amount of receipts from charges to relatives and other legally responsible persons as may be made available by law.

Schedule:

(a) Operating Expenses	159,589
Less: Estimated reimbursements:	
(b) From charges to relatives and other legally responsible persons	38,301
Net appropriation	121,288

163—For expenses of deportation and transfer of patients of the Department of Mental Hygiene, Department of Mental Hygiene 113,625

Family care

164—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 493,400

Sex crimes research

165—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 20,000

Outpatient clinics

167—For support of Outpatient Mental Hygiene Clinics, Department of Mental Hygiene, in accordance with the following schedule ..... 444,471 and in addition thereto any amounts made available by the Federal Government for ac-

Item		Amount
tivities under the National Mental Health Act, which by law are available for support of said institution.		
Schedule:		
(a) Salaries and Wages	470,634	
(b) Operating Expenses and Equipment	160,637	
Total of schedule	631,271	
Less: Estimated federal aid for activities under the National Mental Health Act	186,800	
Net appropriation	444,471	
168—For support of the Langley Porter Clinic at San Francisco, in accordance with the following schedule		927,749 Langley Porter Clinic
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	755,942	
(b) Operating Expenses and Equipment	182,067	
Total of schedule	938,009	
Less: Estimated reimbursements:		
(c) For services to employees	10,260	
Net appropriation	927,749	
169—For support of the Psychiatric Hospital Clinic at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		12,349 Psychiatric Hospital Clinic
Schedule:		
(a) Salaries and Wages	11,399	
(b) Operating Expenses and Equipment	950	
Total of schedule	12,349	
170—For support of Agnews State Hospital, in accordance with the following schedule		4,848,035 State Hospitals: Agnews
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	3,424,284	
(b) Operating Expenses and Equipment	1,511,773	
Total of schedule	4,936,057	

Item			Amount
	Less: Estimated reimbursements:		
	(c) For services to employees and for sale of surplus products	88,022	
	Net appropriation	4,848,035	
Atascadero	171—For support of Atascadero 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.		505,063
	Schedule:		
	(a) Salaries and Wages	378,874	
	(b) Operating Expenses and Equipment	143,814	
	Total of schedule	522,688	
	Less: Estimated reimbursements:		
	(c) For services to employees	17,625	
	Net appropriation	505,063	
Camarillo	172—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.		6,854,290
	Schedule:		
	(a) Salaries and Wages	4,923,209	
	(b) Operating Expenses and Equipment	2,101,761	
	Total of schedule	7,024,970	
	Less: Estimated reimbursements:		
	(c) For services to employees and for sale of surplus products	170,680	
	Net appropriation	6,854,290	
DeWitt	173—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.		3,559,627
	Schedule:		
	(a) Salaries and Wages	2,409,830	
	(b) Operating Expenses and Equipment	1,235,761	
	Total of schedule	3,645,591	
	Less: Estimated reimbursements:		
	(c) For services to employees	85,964	
	Net appropriation	3,559,627	

Item		Amount
174—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.		2,967,157 Mendocino
Schedule:		
(a) Salaries and Wages	2,128,487	
(b) Operating Expenses and Equipment	926,240	
Total of schedule	3,054,727	
Less: Estimated reimbursements:		
(c) For services to employees and for sale of surplus products	87,570	
Net appropriation	2,967,157	
175—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.		3,952,735 Modesto
Schedule:		
(a) Salaries and Wages	2,752,042	
(b) Operating Expenses and Equipment	1,280,791	
Total of schedule	4,032,833	
Less: Estimated reimbursements:		
(c) For services to employees	80,098	
Net appropriation	3,952,735	
176—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.		5,471,022 Napa
Schedule:		
(a) Salaries and Wages	3,965,287	
(b) Operating Expenses and Equipment	1,605,232	
Total of schedule	5,570,519	
Less: Estimated reimbursements:		
(c) For services to employees and for sale of surplus products	99,497	
Net appropriation	5,471,022	

Item		Amount
Norwalk	177—For support of Norwalk 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.	3,207,762
	Schedule:	
	(a) Salaries and Wages	2,434,404
	(b) Operating Expenses and Equipment	851,294
	Total of schedule	3,285,698
	Less: Estimated reimbursements:	
	(c) For services to employees and for sale of surplus products	77,936
	Net appropriation	3,207,762
Patton	178—For support of Patton 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.	4,811,617
	Schedule:	
	(a) Salaries and Wages	3,551,606
	(b) Operating Expenses and Equipment	1,328,373
	Total of schedule	4,879,979
	Less: Estimated reimbursements:	
	(c) For services to employees and for sale of surplus products	68,362
	Net appropriation	4,811,617
Stockton	179—For support of Stockton 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.	5,524,134
	Schedule:	
	(a) Salaries and Wages	3,962,074
	(b) Operating Expenses and Equipment	1,671,926
	Total of schedule	5,634,000

Item		Amount	
Less: Estimated reimbursements:			
(c) For services to employees and for sale of surplus products	109,866		
Net appropriation	5,524,134		
180—For support of Pacific Colony, 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.		2,845,121	Pacific Colony
Schedule:			
(a) Salaries and Wages	2,085,076		
(b) Operating Expenses and Equipment	820,583		
Total of schedule	2,905,659		
Less: Estimated reimbursements:			
(c) For services to employees and for sale of surplus products	60,538		
Net appropriation	2,845,121		
181—For support of Porterville State Home, 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.		1,665,283	Porterville State Home
Schedule:			
(a) Salaries and Wages	1,185,421		
(b) Operating Expenses and Equipment	548,962		
Total of schedule	1,734,383		
Less: Estimated reimbursements:			
(c) For services to employees	69,100		
Net appropriation	1,665,283		
182—For support of Sonoma State Home, in accordance with the following schedule and in addition thereto any amounts collected for services to employees, service to other agencies, and from sale of surplus products, which by law are available for support of said institution.		4,506,333	Sonoma State Home
Schedule:			
(a) Salaries and Wages	3,378,720		
(b) Operating Expenses and Equipment	1,184,582		
Total of schedule	4,563,302		

Item		Amount
Less: Estimated reimbursements:		
(c) For services to employees, service to other agencies, and for sale of surplus products	56,969	
Net appropriation	4,506,333	

MILITARY AFFAIRS

Adjutant General, etc.

183—For support of the Adjutant General, the California National Guard and the California National Guard Reserve, in accordance with the following schedule 2,143,060
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	1,286,351	
(b) Operating Expenses and Equipment	1,016,209	
Total of schedule	2,302,560	
Less: Estimated reimbursements:		
(c) From United States Government for maintenance and operation of installations	150,500	
(d) From Armory Board for armory rental utility expense	9,000	
Net appropriation	2,143,060	

Cadet Corps

184—For maintenance of California Cadet Corps, the Adjutant General, in accordance with the following schedule 219,388

Schedule:		
(a) Salaries and Wages	76,525	
(b) Operating Expenses and Equipment	142,863	
Total of schedule	219,388	

MOTOR VEHICLES

Item		Amount	
185—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		12,019,114	Department of Motor Vehicles
and in addition thereto any amounts collected for sale of registration lists and for services to other agencies which by law are available for support of said department.			
Schedule:			
(a) Salaries and Wages	10,513,260		
(b) Operating Expenses and Equipment	3,800,588		
Total of schedule	14,313,848		
Less: Estimated reimbursements:			
(c) For sale of registration lists	10,250		
(d) Services to City and County of San Francisco	8,126		
(e) Rentals received from other state departments	3,575		
(f) Amount payable from Motor Vehicle License Fee Fund (Item 186)	2,272,783		
Net appropriation	12,019,114		
186—For additional support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund		2,272,783	
to be transferred to the Motor Vehicle Fund in augmentation of Item 185, as provided by Section 11003 of the Revenue and Taxation Code.			
187—For purchase of 1956 vehicle license plates payable from the Motor Vehicle Fund		750,000	
Progress payments to the manufacturers of the license plates may be made from this item.			
188—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

189—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		6,130,834	Department of Fish and Game

Item		Amount
and in addition thereto any amounts collected for services which by law are available for support of said department.		
Schedule:		
(a) Salaries and Wages	3,459,714	
(b) Operating Expenses and Equipment	2,819,016	
Total of schedule	6,278,730	
Less: Estimated reimbursements:		
(c) For services to employees	54,613	
(d) For use of operating equipment	85,283	
(e) For services to State Water Pollution Control Board	8,000	
Net appropriation	6,130,834	
190—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		387,500
191—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		40,850
Pacific Marine Fisheries Commission — 192—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		16,500
Commercial fisheries research — 193—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		78,915
Departmental Administration — 194—For support of Departmental Administration, Department of Natural Resources, in accordance with the following schedule		265,703
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	315,048	
(b) Operating Expenses and Equipment	43,526	
Total of schedule	358,574	

Item		Amount
Less: Estimated reimbursements:		
(c) For services to activities supported out of other funds	92,871	
Net appropriation	265,703	
195—For Department of Natural Resources exhibit at State Fair, Departmental Administration, Department of Natural Resources, 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, 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.		3,400
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	
196—For payment to the Department of Fish and Game for equity in equipment retained by the Department of Natural Resources, Department of Natural Resources		7,800
197—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 and in addition thereto any amounts collected for services which by law are available for support of said division.		Division of Beaches and Parks 364,582
Schedule:		
(a) Salaries and Wages	1,849,367	
(b) Operating Expenses and Equipment	728,077	
Total of schedule	2,577,444	
Less: Estimated reimbursements:		
(c) For employees' maintenance	75,000	
(d) Amount payable from the General Fund (Item 198)	1,961,284	
(e) Amount payable from the State Park Fund (Item 199)	176,578	
Net appropriation	364,582	

Upon executive order of the Director of Finance, there may be transferred to the State

Item		Amount
	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 1953-1954 Fiscal Year.	
198	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 197 upon written order of the Department of Finance; 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.	1,961,284
199	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 197	176,578
Beach erosion investigation 200	For investigation of beach erosion, 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 transfer shall be made by the State Controller upon written order of the Department of Finance.	5,000

Item		Amount
		Division of Forestry
201—For support of Division of Forestry, Department of Natural Resources, in accordance with the following schedule 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.		8,980,370
Schedule:		
(a) Salaries and Wages	7,299,656	
(b) Operating Expenses and Equipment	3,565,422	
Total of schedule	10,865,078	
Less: Estimated reimbursements:		
(c) For services to employees	428,441	
(d) For services to counties under cooperative agreements	1,204,311	
(e) For fire protection and other services to the Federal Government, or any agency thereof, pursuant to contracts	241,994	
(f) For use of automotive equipment—Youth Authority	2,205	
(g) For office rental and services, Department of Fish and Game	7,757	
Net appropriation	8,980,370	
202—For allotment pursuant to Section 4006 of the Public Resources Code for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Division of Forestry, Department of Natural Resources, in accordance with the following schedule		741,526
Schedule:		
(a) Contra Costa County	2,616	
(b) Kern County	215,025	
(c) Los Angeles County	235,359	
(d) Marin County	54,499	
(e) San Mateo County	72,784	
(f) Santa Barbara County	79,366	
(g) Ventura County	81,877	
Total of schedule	741,526	
203—For direct allotment to the United States Forest Service, for prevention and suppression of		

Item		Amount
	forest fires on private and state-owned lands located within and adjacent to the boundaries of United States National Forests within this State, Division of Forestry, Department of Natural Resources	771,376
	provided, that with the approval of the Department of Finance, any amount appropriated by this item may be transferred to Item 201, for the estimated cost of protection of these lands by the Division of Forestry.	
204	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
205	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
206	For emergency fire suppression and detection, Division of Forestry, Department of Natural Resources, which may be transferred to Item 201 upon executive order of the Director of Finance	320,000
207	For forest insect control, Division of Forestry, Department of Natural Resources, to be expended in accordance with Chapter 3 of Division 4 of the Public Resources Code	35,000
Division of Mines 208	For support of Division of Mines, Department of Natural Resources, in accordance with the following schedule	437,834

Schedule:

(a) Salaries and Wages	253,362
(b) Operating Expenses and Equipment	184,472
Total of schedule	437,834

Geological exploration 209	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

Item		Amount	
210—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.		456,677	Division of Oil and Gas
Schedule:			
(a) Salaries and Wages	340,872		
(b) Operating Expenses and Equipment	116,573		
Total of schedule	457,445		
Less: Estimated reimbursements:			
(c) For employees' rent and utilities	768		
Net appropriation	456,677		
211—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.		39,642	Soil Conservation Commission
Schedule:			
(a) Salaries and Wages	26,376		
(b) Operating Expenses and Equipment	15,315		
Total of schedule	41,691		
Less: Estimated reimbursements:			
(c) For services to Soil Conservation Equipment Revolving Fund	2,049		
Net appropriation	39,642		

PROFESSIONAL AND VOCATIONAL STANDARDS

212—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.		75,553	Division of Administrative Procedure

Item		Amount
	Schedule:	
	(a) Salaries and Wages 118,257	
	(b) Operating Expenses and Equipment 47,114	
	Total of schedule 165,371	
	Less: Estimated reimbursements:	
	(c) From other agencies for hearing and other services 89,818	
	Net appropriation 75,553	
State boards Accountancy	213—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule	155,340
	Schedule:	
	(a) Salaries and Wages 53,487	
	(b) Operating Expenses and Equipment 101,853	
	Total of schedule 155,340	
Architectural Examiners	214—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	39,924
	Schedule:	
	(a) Salaries and Wages 25,164	
	(b) Operating Expenses and Equipment 14,760	
	Total of schedule 39,924	
Athletic Commission	215—For support of State Athletic Commission, payable from the Athletic Commission Fund, in accordance with the following schedule	124,512
	Schedule:	
	(a) Salaries and Wages 94,617	
	(b) Operating Expenses and Equipment 29,895	
	Total of schedule 124,512	
Barber Examiners	216—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule	107,378
	Schedule:	
	(a) Salaries and Wages 67,895	
	(b) Operating Expenses and Equipment 39,483	
	Total of schedule 107,378	

Item		Amount
217—For support of Cemetery Board, Department of Professional and Vocational Standards, payable from Cemetery Fund, in accordance with the following schedule		20,789
Schedule:		
(a) Salaries and Wages	10,068	
(b) Operating Expenses and Equipment	10,721	
Total of schedule	20,789	
218—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		50,611
Schedule:		
(a) Salaries and Wages	26,752	
(b) Operating Expenses and Equipment	23,859	
Total of schedule	50,611	
219—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		178,820
Schedule:		
(a) Salaries and Wages	108,700	
(b) Operating Expenses and Equipment	70,120	
Total of schedule	178,820	
220—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		555,220
Schedule:		
(a) Salaries and Wages	375,051	
(b) Operating Expenses and Equipment	180,169	
Total of schedule	555,220	
221—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		163,198
Schedule:		
(a) Salaries and Wages	100,374	
(b) Operating Expenses and Equipment	62,824	
Total of schedule	163,198	

Cemetery Board

Chiropractic Examiners

Registration for Civil and Professional Engineers

Contractors' License

Cosmetology

Item		Amount
Dental Examiners	222—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule	60,181
	Schedule:	
	(a) Salaries and Wages 34,730	
	(b) Operating Expenses and Equipment 25,451	
	Total of schedule 60,181	
Dry Cleaners	223—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule	152,619
	Schedule:	
	(a) Salaries and Wages 99,166	
	(b) Operating Expenses and Equipment 53,453	
	Total of schedule 152,619	
Funeral Directors	224—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	32,545
	Schedule:	
	(a) Salaries and Wages 19,158	
	(b) Operating Expenses and Equipment 13,387	
	Total of schedule 32,545	
Furniture and Bedding Inspection	225—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	186,596
	Schedule:	
	(a) Salaries and Wages 135,480	
	(b) Operating Expenses and Equipment 51,116	
	Total of schedule 186,596	
Guide Dogs for the Blind	226—For support of State Board of Guide Dogs for the Blind	753
	227—For support of State Board of Medical Examiners, payable from Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule	186,347

Item		Amount
Schedule:		
(a) Salaries and Wages	99,853	
(b) Operating Expenses and Equipment	86,494	
Total of schedule	186,347	
228—For support of Board of Nurse Examiners of the State of California, payable from the Board of Nurse Examiners' Fund, in accordance with the following schedule		120,316
Schedule:		
(a) Salaries and Wages	73,268	
(b) Operating Expenses and Equipment	47,048	
Total of schedule	120,316	
229—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		30,585
Schedule:		
(a) Salaries and Wages	18,346	
(b) Operating Expenses and Equipment	12,239	
Total of schedule	30,585	
230—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		171,339
Schedule:		
(a) Salaries and Wages	110,670	
(b) Operating Expenses and Equipment	60,669	
Total of schedule	171,339	
231—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		28,243
Schedule:		
(a) Salaries and Wages	15,846	
(b) Operating Expenses and Equipment	12,397	
Total of schedule	28,243	
232—For support of State Board of Examiners of Shorthand Reporters, payable from Shorthand Reporters Fund, in accordance with the following schedule		10,736

Nurse Examiners

Optometry

Pharmacy

Private Investigators and Adjusters

Examiners of Shorthand Reporters

Item		Amount
	Schedule:	
	(a) Salaries and Wages 5,279	
	(b) Operating Expenses and Equipment 5,457	
	Total of schedule 10,736	
Social Work Examiners	233—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	18,497
	Schedule:	
	(a) Salaries and Wages 11,043	
	(b) Operating Expenses and Equipment 7,454	
	Total of schedule 18,497	
Structural Pest Control	234—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule	36,221
	Schedule:	
	(a) Salaries and Wages 20,042	
	(b) Operating Expenses and Equipment 16,179	
	Total of schedule 36,221	
Examiners in Veterinary Medicine	235—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule	14,856
	Schedule:	
	(a) Salaries and Wages 7,520	
	(b) Operating Expenses and Equipment 7,336	
	Total of schedule 14,856	
Vocational Nurse Examiners	236—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	32,351
	Schedule:	
	(a) Salaries and Wages 17,691	
	(b) Operating Expenses and Equipment 14,660	
	Total of schedule 32,351	
Yacht and Ship Brokers Commission	237—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers Fund, in accordance with the following schedule	14,348

Item		Amount	
Schedule:			
(a) Salaries and Wages	8,036		
(b) Operating Expenses and Equipment	6,312		
Total of schedule	14,348		
238—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		38,489	Osteopathic Examiners
Schedule:			
(a) Salaries and Wages	24,380		
(b) Operating Expenses and Equipment	14,109		
Total of schedule	38,489		
239—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		11,922	Pilot Commissioners
Schedule:			
(a) Salaries and Wages	11,127		
(b) Operating Expenses and Equipment	795		
Total of schedule	11,922		
240—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		143,302	Horse Racing
Schedule:			
(a) Salaries and Wages	86,924		
(b) Operating Expenses and Equipment	56,378		
Total of schedule	143,302		

PUBLIC HEALTH

241—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	4,207,576	Department of Public Health

Item		Amount
	shall be expended in accordance with the following schedule.	
	Schedule:	
	(a) Salaries and Wages 3,632,077	
	(b) Operating Expenses and Equipment 2,250,090	
	Total of schedule 5,882,167	
	Less: Estimated reimbursements:	
	(c) From sale of antigens 30,000	
	(d) For services to other agencies 233,417	
	(e) Estimated grants from the Federal Government or agencies thereof 1,411,174	
	Net appropriation 4,207,576	
Tubercular patients	242—For care of recalcitrant tuberculous patients as provided by Section 3300.4 of the Health and Safety Code, Department of Public Health	54,700
Water pollution	243—For support of the State Water Pollution Control Board and the several Regional Water Pollution Control Boards in accordance with the following schedule	364,921
	Schedule:	
	(a) Salaries and Wages 260,515	
	(b) Operating Expenses and Equipment 104,406	
	Total of schedule 364,921	
	244—For research, studies, and investigations relative to the technical phases of the control of water pollution, State Water Pollution Control Board	73,714
	245—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	95,550

PUBLIC UTILITIES

Public Utilities Commission	246—For support of the Public Utilities Commission of the State of California, in accordance with the following schedule	1,808,593

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	2,353,111	
(b) Operating Expenses and Equipment	401,265	
Total of schedule	2,754,376	
Less: Estimated reimbursements:		
(c) Services to Transportation Rate Fund	860,783	
(d) Reporting service to litigants	85,000	
Net appropriation	1,808,593	
247—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		1,571,413
Schedule:		
(a) Salaries and Wages	534,620	
(b) Operating Expenses and Equipment	1,036,793	
Total of schedule	1,571,413	

PUBLIC WORKS

248—For pro rata support of 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.		156,706	Department of Public Works
Schedule:			
(a) Salaries and Wages	258,910		
(b) Operating Expenses and Equipment	49,374		
Total of schedule	308,284		
Less: Estimated reimbursements:			
(c) For services to activities supported out of other funds	151,578		
Net appropriation	156,706		
249—For support of Division of Architecture, Department of Public Works, in accordance with the following schedule		379,171	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	344,687	
(b) Operating Expenses and Equipment	94,484	
Total of schedule	439,171	
Less: Estimated reimbursements:		
(c) For services to activities supported out of other funds	60,000	
Net appropriation	379,171	
250—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		610,397
Schedule:		
(a) Salaries and Wages	487,927	
(b) Operating Expenses and Equipment	122,470	
Total of schedule	610,397	
Division of Water Resources — 251—For support of Division of Water Resources, Department of Public Works, including cooperative work with other agencies		1,606,335
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 256 hereof, shall be expended in accordance with the following schedule.		
Schedule:		
(a) Salaries and Wages	1,278,586	
(b) Operating Expenses and Equipment	474,472	
(c) Contributions to Watermaster Services	30,946	
Total of schedule	1,784,004	
Less:		
(d) Estimated amount payable from State Watermaster Service Fund (Item 256)	58,754	
Estimated reimbursements:		

Item		Amount
(e) For services to activities supported out of other funds	118,915	
Net appropriation	1,606,335	

252—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 491,525

Schedule:

(a) Yuba River debris control	15,000
(b) Topographic mapping	300,000
(c) Stream gaging	155,025
(d) Irrigation investigations	7,500
(e) Establishment of gaging stations	14,000
Total of schedule	491,525

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.

Research

253—For necessary investigations, surveys, and studies, and preparation of plans and specifications for (1) the construction of the works, 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 750,000

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 is-

Item	Amount
sued for the construction of any of the works authorized by Article 9.5, Chapter 2, Part 3, Division 6, of the Water Code.	
254—For investigation of, and report upon, the surface and underground water supplies of the Putah Creek Cone and areas adjacent thereto as authorized by Section 1, Chapter 1478, Statutes of 1951, Division of Water Resources, Department of Public Works	15,000
255—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	60,000
256—For additional support of the Division of Water Resources, Department of Public Works, payable from the State Watermaster Service Fund	27,808
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.	
California Aeronautics Commission — 257—For support of the California Aeronautics Commission, in accordance with the following schedule	105,759
Schedule:	
(a) Salaries and Wages — 67,403	
(b) Operating Expenses and Equipment — 38,356	
Total of schedule — 105,759	
Boards, Colorado River — 258—For support of Colorado River Board of California, in accordance with the following schedule	112,564
Schedule:	
(a) Salaries and Wages — 63,289	
(b) Operating Expenses and Equipment — 49,275	
Total of schedule — 112,564	
Harbor Commissioners, Humboldt Bay — 259—For support of the Board of Harbor Commissioners for Humboldt Bay	2,874
Reclamation — 260—For support of Reclamation Board, in accordance with the following schedule	211,377

Item		Amount	
Schedule:			
(a) Salaries and Wages	174,849		
(b) Operating Expenses and Equipment	36,528		
Total of schedule	211,377		
261—For support of the State Water Resources Board		77,958	Water Resources
262—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		45,500	
263—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		532,862	
265—For a comprehensive survey of the water resources of the Klamath River Basin, State Water Resources Board		71,243	
266—For support of the Interim San Francisco Bay Ports Commission in accordance with the following schedule		11,721	San Francisco Bay Ports Commission
Schedule:			
(a) Salaries and Wages	5,936		
(b) Operating Expenses and Equipment	5,785		
Total of schedule	11,721		
267—For support of the San Francisco Bay Area Rapid Transit Commission		5,018	San Francisco Bay Area Rapid Transit Commission
SOCIAL WELFARE			
268—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 1953-54 Fiscal Year, shall be expended in accordance with the following schedule.		2,024,754	Department of Social Welfare
Schedule:			
(a) Salaries and Wages	2,223,700		
(b) Operating Expenses and Equipment	776,599		
Total of schedule	3,000,299		

Item		Amount
Less: Estimated reimbursements:		
(c) Estimated amounts payable from federal grants	975,545	
Net appropriation	2,024,754	
Recreation Commission 269—For support of the Recreation Commission and the Director of Recreation, in accordance with the following schedule		88,915
Schedule:		
(a) Salaries and Wages	52,700	
(b) Operating Expenses and Equipment	36,215	
Total of schedule	88,915	

VETERANS AFFAIRS

Department of Veterans Affairs 270—For support of Department of Veterans Affairs, in accordance with the following schedule and in addition thereto any amounts collected for services to activities supported from other funds.		277,863
Schedule:		
(a) Salaries and Wages	237,443	
(b) Operating Expenses and Equipment	57,420	
Total of schedule	294,863	
Less: Estimated reimbursements:		
(c) From Veterans' Dependents' Education Fund for administrative services (Item 271)	17,000	
Net appropriation	277,863	
271—For additional support of Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund to be transferred to the General Fund in augmentation of Item 270.		17,000
Educational assistance 272—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		3,191,000
273—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		574,000
274—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Article 2 of		

Item		Amount	
Chapter 4 of Division 4 of the Military and Veterans Code		10,775	
275—For educational assistance to veterans' dependents, Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund		167,815	
to be expended under the provisions of Article 2 of Chapter 4 of Division 4 of the Military and Veterans Code.			
276—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.		1,825,367	Veterans' Home
Schedule:			
(a) Salaries and Wages	1,895,485		
(b) Operating Expenses and Equipment	883,937		
Total of schedule	2,779,422		
Less: Estimated reimbursements			
(c) For services to employees and for members and for sale of surplus products	77,055		
(d) Estimated receipts from Federal Government	877,000		
Net appropriation	1,825,367		
277—For support of Woman's Relief Corps Home of California, in accordance with the following schedule		73,734	Woman's Relief Corps Home
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	54,124		
(b) Operating Expenses and Equipment	22,210		
Total of schedule	76,334		
Less: Estimated reimbursements:			
(c) For services to employees	2,600		
Net appropriation	73,734		

Item		Amount
Hospitalization	278—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	1,600

MISCELLANEOUS

Legislators' Retirement Fund	279—For State's contribution to the Legislators' Retirement Fund in accordance with Section 9358 of the Government Code	51,600
Compensation benefits to state officers and employees	280—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 1953-54 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; or for transfer by the State Controller, in such amounts as the Department of Finance in writing may authorize to any appropriation for support or for other purposes payable from the General Fund, from the Vocational Education Fund from which the cost of such salary is payable. The State Compensation Insurance Fund may withdraw a revolving fund from the appropriation under the provisions of Article 5, Chapter 2, Part 2, Division 4, of the Government Code upon the approval of the Department of Finance	850,000
Refund of tax payments, etc	281—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516, Government Code	15,000
Claim of Secretary of Board of Control	282—For claim of the Secretary of the State Board of Control, to be paid from the several funds in accordance with the following schedule	150,417

Schedule:

(a) General Fund	106,369
(b) Department of Agriculture Fund	238
(c) State Agricultural Society Contingent Fund	450

Item	Amount
(d) From that part of the Alcohol Beverage Control Fund allocated by subsection (a) of Section 37 of the Alcoholic Beverage Control Act	110
(e) State Board of Chiropractic Examiners' Fund	15
(f) Board of Cosmetology's Contingent Fund	120
(g) Department of Employment Contingent Fund	223
(h) Fish and Game Preservation Fund	106
(i) State Highway Fund	24,720
(j) Contingent Fund of the Board of Medical Examiners	116
(k) Motor Vehicle Fund	7,829
(*l*) Motor Vehicle Fuel Fund	6,049
(m) Motor Vehicle License Fee Fund	578
(n) Motor Vehicle Transportation Tax Fund	148
(o) State Park Maintenance Fund	452
(p) Board of Nurse Examiners' Fund	41
(pp) Petroleum and Gas Fund	28
(q) Shorthand Reporters Fund	239
(r) Yacht and Ship Brokers Fund	55
(s) Division of Architecture Revolving Fund	673
(t) San Francisco Harbor Improvement Fund	331
(u) Toll Bridge Authority Revolving Fund	339
(v) Unemployment Fund	442
(w) Unemployment Administration Fund	543
(x) Unemployment Compensation Disability Fund	49
(y) Funds in the possession of and under the control of the 38th District Agricultural Association	154
Total of schedule	150,417

Revolving funds

283—The unexpended balance of the appropriation made in Item 287, Budget Act of 1952, is hereby reappropriated for augmentation of revolving funds, to be transferred by the State

Item	Amount
Controller in such amounts and for such periods as the Director of Finance may authorize.	
284—The unexpended balance of the appropriation made in Item 287.5, Budget Act of 1952, is hereby reappropriated for augmentation of the Correctional Industries Revolving Fund, in accordance with the provisions of Item 287 5, Budget Act of 1952; except that the appropriation shall be available for expenditure for equipment and installation thereof, alterations to facilities, materials and supplies, and technical supervision as required to establish a textile mill at San Quentin.	

PROVISION FOR SALARY INCREASES

Salary Increase Fund

285—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 1952-53 or 1953-54 Fiscal Years by the Personnel Board or other salary-fixing authority with the approval of the Department of Finance	9,350,000
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	
Allocations to the University of California shall be made by the Department of Finance only upon certification by the Executive Officer of the State Personnel Board that proposed salary ranges are comparable to those granted civil service employees or are supported by the	

Item | Amount

findings of a survey of wage rates in comparable employments. In making allocations to the University of California the department shall take into consideration any other University funds which are available or which could be made available by the Regents for salary increases.

Before the State Personnel Board or other administrative salary-fixing authority establishes any increased salary range during the 1953-54 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 1953-54 Fiscal Year by the Personnel Board for each state officer or employee in the state civil service whose compensation, or portion thereof, is payable from the General Fund shall not result in total annual salary increases of more than $6,400,000. For purposes of determination of such annual cost, computations may be based upon the number of employees in such classes as of June 30, 1953, 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

Emergency Fund

286—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies 1,150,000

and in addition any amounts transferred pursuant to Section 9 5, 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

Item	Amount
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.	

CAPITAL OUTLAY SECTION

AGRICULTURE

Department of Agriculture

287—For acquisition of real property, Department of Agriculture, payable from the Capital Outlay and Savings Fund 1,350

288—For major construction, improvements and equipment, Department of Agriculture, 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 308,890

Schedule:

(a) Construct diagnostic laboratory	301,000
(b) Equip diagnostic laboratory	7,890
Total of schedule	308,890

288.5—For major construction, improvements, repairs and equipment, Department of Agriculture, 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 22,000

Schedule:

(a) Construct diagnostic laboratory	17,000
(b) Equip diagnostic laboratory	5,000
	22,000

Poultry Improvement Commission

289—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

Item		Amount
(c) of Section 19626 of the Business and Professions Code		9,750
289.1—For major 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 in accordance with the following schedule		76,500
Schedule:		
(a) Purchase of site, construction of brooding houses, and other necessary improvements and facilities	76,500	

CORRECTIONS

290—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		7,586,000	Department of Corrections Medical Facility
Schedule:			
(a) Construct service and auxiliary facilities	3,119,000		
(b) Equip service and recreational facilities	405,000		
(c) Construct reception-guidance center and addition to administration building	3,896,000		
(d) Equip reception-guidance center	166,000		
Total of schedule	7,586,000		
291—For minor construction, improvements, repairs and equipment, Medical Facility, Department of Corrections, payable from the Capital Outlay and Savings Fund		15,000	
292—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		56,000	Institution for Men
Schedule:			
(a) Construct entrance and parking facilities (partial cost)	56,000		
Total of schedule	56,000		

Item		Amount
	293—For minor construction, improvements, repairs and equipment, California Institution for Men, Department of Corrections, payable from the Capital Outlay and Savings Fund	86,000
Prisons Folsom	294—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	236,000
	Schedule:	
	(a) Replace pumping and chlorination facilities 52,000	
	(b) Construct incoming natural gas transmission lines, internal distribution piping and burner conversions 184,000	
	Total of schedule 236,000	
	295—For minor construction, improvements, repairs and equipment, California State Prison at Folsom, Department of Corrections, payable from the Capital Outlay and Savings Fund	80,095
San Quentin	296—For major construction, improvements and equipment, State Prison at San Quentin, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	68,000
	Schedule:	
	(a) Construct sally port and wall 68,000	
	Total of schedule 68,000	
	297—For minor construction, improvements, repairs, and equipment, State Prison at San Quentin, Department of Corrections, payable from the Capital Outlay and Savings Fund	118,280
Soledad	298—For minor construction, improvements, repairs and equipment, California State Prison at Soledad, Department of Corrections, payable from the Capital Outlay and Savings Fund	8,200
Institution for Women	299—For minor construction, improvements, repairs and equipment, California Institution for Women, Department of Corrections, payable from the Capital Outlay and Savings Fund	2,500
	YOUTH AUTHORITY	
Fricot Ranch School	302—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	25,000

Item		Amount
Schedule:		
(a) Replace ditch with pipeline	25,000	
Total of schedule	25,000	
303—For minor construction, improvements, repairs and equipment, Fricot Ranch School for Boys, Youth Authority, payable from the Capital Outlay and Savings Fund		13,100
304—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		266,515
Schedule:		
(a) Construct restricted - detention building	255,000	
(b) Equip restricted - detention building	11,515	
Total of schedule	266,515	
305—For minor construction, improvements, repairs and equipment, Fred C. Nelles School for Boys, Youth Authority, payable from the Capital Outlay and Savings Fund		93,060
306—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		235,915
Schedule:		
(a) Construct auditorium	176,000	
(b) Equip auditorium	4,915	
(c) Site development (partial)	55,000	
Total of schedule	235,915	
307—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		1,962,500
Schedule:		
(a) Construct vocational trades building	748,000	
(b) Equip vocational trades building	20,000	
(c) Construct bakery addition to kitchen	110,000	
(d) Equip bakery addition to kitchen	15,000	
(e) Construct commissary building	203,000	

Fred C. Nelles School

Paso Robles School

Preston School of Industry

Item		Amount
	(f) Equip commissary building 2,500	
	(g) Construct two dormitories 834,000	
	(h) Equip two dormitories 30,000	
	Total of schedule 1,962,500	
	308—For minor construction, improvements, repairs and equipment, Preston School of Industry, Youth Authority, payable from the Capital Outlay and Savings Fund	24,200
Los Guilucos School	309—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	173,915
	Schedule:	
	(a) Construct auditorium 169,000	
	(b) Equip auditorium 4,915	
	Total of schedule 173,915	
	310—For minor construction, improvements, repairs and equipment, Los Guilucos School for Girls, Youth Authority, payable from the Capital Outlay and Savings Fund	2,000
Ventura School	311—For minor construction, improvements, repairs and equipment, Ventura School for Girls, Youth Authority, payable from the Capital Outlay and Savings Fund	5,610

EDUCATION

	312—For minor construction, improvements, repairs and equipment, Department of Education, payable from the Capital Outlay and Savings Fund	8,250
State Colleges: Chico	313—For major construction, improvements and equipment, Chico State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	312,030
	Schedule:	
	(a) Construct women's gymnasium 239,000	
	(b) Equip women's gymnasium 7,780	
	(c) Construct electrical substation 65,250	
	Total of schedule 312,030	
	314—For minor construction, improvements, repairs and equipment, Chico State College, payable from the Capital Outlay and Savings Fund	77,049

Item	Amount	
315—For construction, improvements and equipment, Fresno State College, payable from the State College Fund	381,508	Fresno
315.5—To the Department of Education for purchase of land, permanent improvements and support of a college of agriculture, either as a separate institution or as a branch of the California State Polytechnic College, to be located in Imperial County, California, payable from the State College Fund	300,000	Polytechnic
The money appropriated by this item shall be transferred to a special account in the State College Fund to be known as the Polytechnic College Reserve, and shall remain available for expenditure without regard to fiscal years. An equal amount shall be appropriated in each of the three fiscal years next succeeding the 1953-54 Fiscal Year, and transferred to the Polytechnic College Reserve as specified herein; provided, that no money shall be expended or transferred from this item until further legislative action to release the funds and until completion and submission to the Legislature of the survey of higher education in California appropriated for by Item 109.5 of this act.		
316—For minor construction, improvements, repairs and equipment, Fresno State College, payable from the Capital Outlay and Savings Fund	28,500	Fresno
317—For major construction, improvements and equipment, Humboldt State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	427,926	Humboldt
Schedule:		
(a) Site development and construction of wildlife management buildings — 331,000		
(b) Equip wildlife management building — 96,926		
Total of schedule — 427,926		
318—For minor construction, improvements, repairs and equipment, Humboldt State College, payable from the Capital Outlay and Savings Fund	60,275	
319—For major construction, improvements and equipment, Long Beach State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,051,393	Long Beach
Schedule:		
(a) Initial complement of equipment for industrial arts building — 80,000		

Item		Amount
	(b) Construct classroom building addition	401,000
	(c) Equip classroom building addition	32,080
	(d) Construct cafeteria	500,000
	(e) Equip cafeteria	38,313
	Total of schedule	1,051,393
	320—For minor construction, improvements, repairs and equipment, Long Beach State College, payable from the Capital Outlay and Savings Fund	1,275
Sacramento	321—For minor construction, improvements, repairs and equipment, Sacramento State College, payable from the Capital Outlay and Savings Fund	26,500
San Diego	322—For major construction, improvements and equipment, San Diego State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	772,659
	Schedule:	
	(a) Construct home economics cottage	42,000
	(b) Construct home economics building	378,000
	(c) Equip home economics building and cottage	57,659
	(d) Alterations to administration, physical science, and old training school building	187,000
	(e) Equip three remodeled buildings	108,000
	Total of schedule	772,659
	323—For minor construction, improvements, repairs and equipment, San Diego State College, payable from the Capital Outlay and Savings Fund	44,330
San Francisco	324—For minor construction, improvements, repairs and equipment, San Francisco State College, payable from the Capital Outlay and Savings Fund	6,950
San Jose	325—For major construction, improvements and equipment, San Jose State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	3,441,572
	Schedule:	
	(a) Install water pressure system	65,000
	(b) Construct library addition	550,000
	(c) Equip library addition	104,621
	(d) Construct science addition	1,655,000

Item		Amount
(e) Equip science addition	454,615	
(f) Construct men's gymnasium addition	546,000	
(g) Equip men's gymnasium addition	66,336	
Total of schedule	3,441,572	
326—For minor construction, improvements, repairs and equipment, San Jose State College, payable from the Capital Outlay and Savings Fund		82,321
327—For major construction, improvements and equipment, California State Polytechnic College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,079,774
Schedule:		
(a) Site development—San Luis Obispo Campus	90,044	
(b) Construct agriculture, engineering and mechanics building—San Luis Obispo Campus	711,000	
(c) Equip agriculture, engineering and mechanics building	68,660	
(d) Construct physical education facilities—San Luis Obispo Campus	141,000	
(e) Equip physical education facilities—San Luis Obispo Campus	6,070	
(f) Sewage disposal — Voorhis Campus	63,000	
Total of schedule	1,079,774	
328—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 (a) of the Business and Professions Code		114,338
329—For minor construction, improvements, repairs and equipment, California School for the Blind, payable from the Capital Outlay and Savings Fund		1,500
330—For minor construction, improvements, repairs and equipment, California School for the Deaf, Berkeley, payable from the Capital Outlay and Savings Fund		10,300
331—For major construction, improvements and equipment, California School for the Deaf,		

Polytechnic

School for Blind

School for Deaf

Item		Amount
	Riverside, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	904,193
	Schedule:	
	(a) Construct intermediate boys dormitory—second unit ... 154,000	
	(b) Equip intermediate boys dormitory—second unit ... 7,719	
	(c) Construct advanced girls dormitory—second unit ... 196,000	
	(d) Equip advanced girls dormitory—second unit ... 9,491	
	(e) Construct advanced boys dormitory—second unit ... 179,000	
	(f) Equip advanced boys dormitory—second unit ... 7,219	
	(g) Construct intermediate-advanced school—second unit ... 317,000	
	(h) Equip intermediate-advanced school—second unit ... 33,764	
	Total of schedule ... 904,193	
	332—For minor construction, improvements, repairs and equipment, California School for the Deaf, Riverside, payable from the Capital Outlay and Savings Fund	6,000
Oakland Orientation Center	333—For minor construction, improvements, repairs and equipment, Oakland Orientation Center, payable from the Capital Outlay and Savings Fund	1,500
Industries for Blind Los Angeles Center	334—For minor construction, improvements, repairs and equipment, Los Angles Center, California Industries for the Blind, payable from the Capital Outlay and Savings Fund	975
Oakland Center	335—For minor construction, improvements, repairs and equipment, Oakland Center, California Industries for the Blind, payable from the Capital Outlay and Savings Fund	21,000
San Diego Center	336—For minor construction, improvements, repairs and equipment, San Diego Center, California Industries for the Blind, payable from the Capital Outlay and Savings Fund	15,650
University of California	338—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	7,030,000
	Schedule:	
	(a) Preliminary plans ... 50,000	
	(b) Service buildings, corporation yard—Berkeley ... 758,000	

Item		Amount
(c) Initial complement of equipment — medical unit — Los Angeles	800,000	
(d) Initial complement of equipment—Life Sciences Unit No. 2—Los Angeles	100,000	
(e) Psychology Clinic School—Los Angeles	207,000	
(f) Utilities and roads—Los Angeles	500,000	
(g) Initial complement of equipment and electrical controls —120″ telescope—Mt. Hamilton	150,000	
(h) Dormitories—Mt. Hamilton	50,000	
(i) Initial complement of equipment — College of Letters and Sciences—Riverside	300,000	
(j) Alteration of existing facilities—San Francisco	515,000	
(k) Initial complement of equipment — H. C. Moffitt Hospital—San Francisco	600,000	
(*l*) Combined structure — nurses' quarters, interns' and staff quarters — San Francisco	2,000,000	
(m) Initial complement of equipment—new campus — Santa Barbara	220,000	
(n) Music Building — Santa Barbara	780,000	
Total of schedule	7,030,000	
338.5—For major construction, improvements, and equipment, University of California, 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		150,000
Schedule:		
(a) Construct and equip facilities for nematode control research	150,000	
339—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		557,290

FINANCE

Item		Amount
Department of Finance	341—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	235,000
	342—For major construction, improvements and equipment, Department of Finance, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,255,290
	Schedule:	
	(a) Move Printing Division 185,000	
	(b) Construct warehouse 421,000	
	(c) Install elevator in Employment Building 44,000	
	(d) Install lighting, Capitol Park 40,290	
	(e) Renovation of Fashion League Building 565,000	
	Total of schedule 1,255,290	
Agricultural Society	344—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	175,000
	Schedule:	
	(a) Remodel Hall of Flowers 35,000	
	(b) Install air conditioning in Counties Building 120,000	
	(c) Construct racing officials' office 20,000	
	Total of schedule 175,000	
	345—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	281,750
Sixth District Agricultural Association	346—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 the Capital Outlay and Savings Fund	240,000

Item		Amount
The Sixth District Agricultural Association shall return any amounts withdrawn from this appropriation, with interest thereon at the rate of 1½ percent per annum, to be computed from the first day of the month following the date of withdrawal, to the General Fund in the State Treasury from income received from the use of any real property acquired under this item of appropriation.		
347—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		60,000
Schedule:		
(a) Design, construct and install exhibits	60,000	
Total of schedule	60,000	

HIGHWAY PATROL

348—For major construction, improvements and equipment, Department of California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund		246,000	Highway Patrol
Schedule:			
(a) Bakersfield office and carport	107,000		
(b) Modernization of radio facilities	25,000		
(c) Completion of Highway Patrol Academy	114,000		
Total of schedule	246,000		
349—For minor construction, improvements, repairs and equipment, Department of California Highway Patrol, payable from the Motor Vehicle Fund		27,600	

MENTAL HYGIENE

350—For minor construction, improvements, repairs and equipment, Langley Porter Clinic, payable from the Capital Outlay and Savings Fund		8,500	Langley Porter Clinic
351—For minor construction, improvements, repairs and equipment, Agnews State Hospital, pay-			State Hospitals Agnews

	Item		Amount
	able from the Capital Outlay and Savings Fund		308,250
Camarillo	352—For major construction, improvements and equipment, Camarillo State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		52,000
	Schedule:		
	(a) Construct soft water reservoir and access road	52,000	
	Total of schedule	52,000	
	353—For minor construction, improvements, repairs and equipment, Camarillo State Hospital, payable from the Capital Outlay and Savings Fund		167,500
DeWitt	354—For minor construction, improvements, repairs and equipment, DeWitt State Hospital, payable from the Capital Outlay and Savings Fund		232,640
Mendocino	355—For major construction, improvements and equipment, Mendocino State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		366,000
	Schedule:		
	(a) Alterations to receiving and treatment building	366,000	
	Total of schedule	366,000	
	356—For minor construction, improvements, repairs and equipment, Mendocino State Hospital, payable from the Capital Outlay and Savings Fund		143,692
Modesto	357—For minor construction, improvements, repairs and equipment, Modesto State Hospital, payable from the Capital Outlay and Savings Fund		64,429
Napa	358—For minor construction, improvements, repairs and equipment, Napa State Hospital, payable from the Capital Outlay and Savings Fund		163,140
Norwalk	359—For acquisition of real property, Norwalk State Hospital, to be expended under the provisions of the Property Acquisition Act, payable from the Capital Outlay and Savings Fund		30,000
	360—For major construction, improvements and equipment, Norwalk State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		169,343
	Schedule:		
	(a) Domestic water development	169,343	
	Total of schedule	169,343	

Item		Amount	
361—For minor construction, improvements, repairs and equipment, Norwalk State Hospital, payable from the Capital Outlay and Savings Fund		212,400	
362—For minor construction, improvements, repairs and equipment, Patton State Hospital, payable from the Capital Outlay and Savings Fund		578,914	Patton
363—For minor construction, improvements, repairs and equipment, Stockton State Hospital, payable from the Capital Outlay and Savings Fund		88,913	Stockton
364—For major construction, improvements and equipment, Pacific Colony, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,535,300	Pacific Colony
Schedule:			
(a) Construct three ward buildings	1,170,000		
(b) Equip three ward buildings	56,700		
(c) Additional laundry equipment	103,000		
(d) Construct administration building	193,000		
(e) Equip administration building	12,600		
Total of schedule	1,535,300		
365—For minor construction, improvements, repairs and equipment, Pacific Colony, payable from the Capital Outlay and Savings Fund		111,200	
366—For major construction, improvements and equipment, Sonoma State Home, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		5,251,350	State Homes: Sonoma
Schedule:			
(a) Construct receiving hospital	950,000		
(b) Equip receiving hospital	50,000		
(c) Utilities for ward buildings	49,350		
(d) Construct six ward buildings	3,796,000		
(e) Equip six ward buildings	131,000		
(f) Alterations to hospital building	275,000		
Total of schedule	5,251,350		
367—For minor construction, improvements, repairs and equipment, Sonoma State Home, payable from the Capital Outlay and Savings Fund		313,450	
368—For major construction, improvements and equipment, Porterville State Home, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		335,600	Porterville

Item		Amount
Schedule:		
(a) Construct library and occupational therapy building	214,000	
(b) Equip library and occupational therapy building	9,000	
(c) Firehouse	58,000	
(d) Equip firehouse	22,600	
(e) Construct incinerator and access road	32,000	
Total of schedule	335,600	

MILITARY AFFAIRS

Adjutant General, etc

370—For major construction, improvements, and equipment, Adjutant General and California National Guard, payable from the Capital Outlay and Savings Fund 1,013,150

and in addition thereto any grants made available by the Federal Government; provided, no expenditure shall be made from this item until receipt of assurances satisfactory to the Director of Finance that the Federal Government will reimburse the State for not less than 50 percent of the cost of construction:

Schedule:

(a) Construction, improvements, and equipment of armories in or near:

(1) Sacramento
(2) Yreka
(3) San Bruno
(4) Oakdale
(5) Brawley
(6) Oakland
(7) Anaheim
(8) Torrance
(9) Susanville
(10) Beaumont
(11) Montebello
(12) Tulare
(13) Santa Ana
(14) Equipment for above armories

To the extent that the State Public Works Board determines that funds are available after making allocations for all armories in the above schedule, this item may be expended for armories in accordance with the following schedule and order; and provided further, that, in the event sufficient funds are not available to construct the last armory

Item		Amount
in schedule (a) above, this item may be expended for construction of an armory listed in the following schedule insofar as funds are available:		
(b) Construction, improvements, and equipment for armories in or near:		
(1) Santa Monica		
(2) Oroville		
(3) Sierra Madre		
(4) Barstow		
(5) Placerville		
(6) Inglewood		
(7) Menlo Park		
(8) Indio		
(9) Fontana		
(10) Riverside		
(11) Jackson		
(12) South Gate		
(13) Eureka		
371—For major construction, improvements and equipment, Adjutant General and California National Guard, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		141,700
Schedule:		
(a) Construct Stockton armory addition	52,700	
(b) Construct Sacramento warehouse	89,000	
Total of schedule	141,700	
372—For major construction, improvement, and equipment, Adjutant General and California National Guard, 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	
373—For minor construction, improvements, repairs and equipment, Adjutant General and California National Guard, payable from the Capital Outlay and Savings Fund		64,000
MOTOR VEHICLES		
374—For plans and specifications for offices at Oakland and Vallejo, Department of Motor Vehicles, payable from the Motor Vehicle Fund		12,150

Department of Motor Vehicles

NATURAL RESOURCES

Item		Amount
Department of Fish and Game	375—For minor construction, improvements, repairs and equipment, Department of Fish and Game payable from the Fish and Game Preservation Fund	254,950
	375.1—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 regional office at Redding 40,000	
	Total of schedule 40,000	
Division of Beaches and Parks Olvera Street, etc	376—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, the unexpended balance of the appropriation made by Item 400.1 of the Budget Act of 1952; 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. 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	

Item	Amount
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.	
377—For acquisition of approximately 120 acres adjacent to the Palomar Mountain State Park, 38 acres adjacent to Pfeiffer Big Sur State Park, 24 acres adjacent to the McConnell State Park and a strip of land adjacent to the southeasterly boundary of the Pio Pico State Historical Monument, 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 ----------	State Parks 68,000
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	

Item	Amount
Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance.	
378—For acquisition of parcels of land in conformity with Sections 880 and 881 of the Streets and Highways Code, 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 ..... provided, that the amount expended for any parcel of land shall not exceed the difference between the appraised value of the land and the amount of any severance damages which would be payable by the Division of Highways were the parcel of land not acquired by the Division of Beaches and Parks; and further 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	50,000
379—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	478,824

Schedule:

(a) Silver Strand Beach State Park: development	61,900
(b) Mt. Diablo State Park: road reconstruction	60,000
(c) Pfeiffer Big Sur State Park: sewer replacement	41,000
(d) Salton Sea State Park:	
Development	44,149
Equipment	675
(e) Samuel P. Taylor State Park: development	44,100
(f) Tomales Bay State Park: development	106,500

Item	Amount
(g) Clear Lake State Park: development	59,300
(h) George J. Hatfield State Park: development	61,200
Total of schedule	478,824

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.

380—For minor construction, improvements, repairs and equipment. Division of Beaches and Parks, Department of Natural Resources, payable from the Capital Outlay and Savings Fund 315,875

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.

Benicia State Capitol Historical Monument

382—For restoration of the Benicia State Capitol Historical Monument. Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Fund 180,000

provided, that no expenditure shall be made from the appropriation made by this item until the moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court have been re-

Item		Amount
	leased by the Federal Government and subsequently paid into the State Park Fund.	
Riding, etc., trails	383—For establishment and development of riding and hiking trails, Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Fund	100,000
	provided, that no expenditure shall be made from the appropriation made by this item until the moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court have been released by the Federal Government and paid into the State Park Fund.	
Division of Forestry	384—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	76,600
Fire control stations, etc	385—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	1,633,697

Schedule:

1—Construction of fire control stations:	
(a) Point Arena:	
Construction	28,496
Equipment	1,390
(b) Ukiah:	
Construction	25,146
Equipment	530
(c) Las Posadas:	
Construction	20,518
Equipment	795
(d) Loma Rica:	
Construction	19,380
Equipment	1,103
(e) Nipomo:	
Construction	24,670
Equipment	2,240
(f) Stevens Creek:	
Construction	23,740
Equipment	2,231
(g) Lockwood:	
Construction	22,312
Equipment	2,230
(h) Ramona:	
Construction	62,455
Equipment	5,975

Item		Amount
(i) Flynn Springs:		
Construction	39,613	
Equipment	1,936	
(j) Red Rock Mountain:		
Lookout station: construction	28,100	
2 (a)—District VI Headquarters:		
Construction	487,000	
Equipment	3,700	
(b) District III Headquarters:		
Construction	275,000	
3—Forestry Work Camp:		
Construction	448,809	
Equipment	51,284	
4—Services:		
Engineering, planning, and inspection	53,244	
Equipment	1,800	
Total of schedule	1,633,697	

Provided, that any moneys made available to the Division of Forestry, Department of Natural Resources, from this item for projects 1, 3 and 4 in this schedule 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.

386—For minor construction, improvements, repairs and equipment, Division of Forestry, Department of Natural Resources, payable from the Capital Outlay and Savings Fund 365,774

Division of Oil and Gas

386.1—For acquisition of real property, Division of Oil and Gas, Department of Natural Resources, to be expended under the provisions of the Property Acquisition Act, payable from the Petroleum and Gas Fund 3,000

PUBLIC WORKS

Sacramento River Flood Control Project

387—For lands, rights of way, borrow pits, spoil areas and easements for levees and flood control works to be constructed or reconstructed

Item	Amount
by the United States within the Sacramento River Flood Control Project, and for incidental construction or reconstruction items which are an obligation of the State in the construction or reconstruction of said levees and flood control works, and for materials and necessary construction or reconstruction of, or alterations to highways, bridges, power lines, pipelines and other structures or facilities, and for flowage rights over lands in overflow areas, Reclamation Board, payable from the Flood Control Fund of 1946	1,200,000
Calaveras River and Littlejohn Creek — 388—For expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State in the construction of the plan of improvement for flood control and other purposes on the Calaveras River and Littlejohn Creek and tributaries thereto as adopted and authorized by Section 34 of the Water Resources Act of 1945, as amended by Chapter 19, Statutes of 1952 (First Extraordinary Session), Reclamation Board, payable from the Flood Control Fund of 1946	350,000
provided, that this appropriation shall remain available for expenditure without regard to fiscal years.	
Merced County Stream Group — 388.5—For expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State for the construction of the project for the Merced County Stream Group adopted and authorized substantially in accordance with recommendations of the Chief of Engineers in House Document numbered 473, Seventy-eighth Congress, Second Session, by Section 32 of the State Water Resources Act of 1945 (Chapter 1514, Statutes of 1945), Reclamation Board, payable first (to the extent that such funds are unexpended and unencumbered) from funds appropriated for expenditure in connection with the Merced County Stream Group project by Item 369 of the Budget Act of 1949 and Item 463 of the Budget Act of 1950, and the balance from the Flood Control Fund of 1946	650,000
provided, that this appropriation shall remain available for expenditure without regard to fiscal years.	
Fresno County Stream Group — 388.6—For allocation to the State Water Resources Board for reallocation to the State Reclamation Board for expenditure for pay-	

Item		Amount	
ment, and for reimbursement for necessary advances made, of the cost of cooperation by the State for the construction of the project for the Fresno County Stream Group adopted and authorized by Section 35 of the State Water Resources Act of 1945, to be subject to Section 11 of Flood Control Fund Act of 1946 in the same manner as the allocations made by Sections 13 and 14 are subject to Section 11, the allocation shall remain available for reallocation and expenditure until June 30, 1957, payable from the Flood Control Fund of 1946		32,500	
VETERANS AFFAIRS			
389—For major construction, improvements and equipment, Veterans' Home of California, in accordance with the following schedule, payable from the Athletic Commission Fund		163,988	Veterans' Home
Schedule:			
(a) Construct recreation center (partial cost)	163,988		
Total of schedule	163,988		
390—For major construction, improvements and equipment, Veterans' Home of California, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,371,557	
Schedule:			
(a) Construct hospital wing	618,000		
(b) Equip hospital wing	77,650		
(c) Construct recreation center (partial cost)	513,012		
(d) Equip recreation center	30,000		
(e) Construct commandant's residence	19,995		
(f) Site development — commandant's residence	4,250		
(g) Equip commandant's residence	6,650		
(h) Grounds lighting system	102,000		
Total of schedule	1,371,557		
391—For minor construction, improvements, repairs and equipment, Veterans' Home of California, payable from the Capital Outlay and Savings Fund		39,470	
391.1—For minor construction, improvements, repairs and equipment, Woman's Relief Corps Home of California, payable from the Capital Outlay and Savings Fund		38,000	Woman's Relief Corps Home

UNALLOCATED

Item	Amount
392—For preliminary plans, to be allocated by the Director of Finance, subject to approval by the State Public Works Board, to state agencies, payable from the Capital Outlay and Savings Fund	300,000
and in addition, the unencumbered balances in the appropriations made in schedules (a) of Items 297, 311, 326, 371, and 409 of the Budget Act of 1952, are hereby reappropriated for transfer to and in augmentation of this item.	
State public works projects 393—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	3,500,000
and in addition, there is hereby appropriated from each special fund from which an appropriation is made for construction, improvements and equipment an amount sufficient to provide for payment of public works projects 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.	
The unexpended balances on June 30, 1953, of the appropriations made by Chapter 42, Statutes of 1950 (Third Extraordinary Session), Item 362.3, Budget Act of 1951, and Item 411, Budget Act of 1952 are hereby reappropriated to be transferred to and in augmentation of the appropriation made by this item.	
Miscellaneous repairs, etc. 394—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	500,000
Transfer from General Fund 395—For transfer by the State Controller from the General Fund, from time to time during the 1953-54 Fiscal Year as the amount in the Gen-	

Item	Amount	
eral Fund exceeds current needs, to the 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; provided further, that any appropriation payable from the Capital Outlay and Savings Fund is hereby reappropriated for the purpose for which heretofore appropriated and shall be available for expenditure until June 30, 1956, for determination by the State Public Works Board as to projects to be undertaken, and any amount heretofore or hereafter allotted for any project so determined to be undertaken shall remain available for expenditure without regard to fiscal years; provided, that the unencumbered balance in any such appropriation or allotment shall revert to the unappropriated balance of the Capital Outlay and Savings Fund either three years after the date on which the determination by the State Public Works Board was made, or June 30, 1956, whichever is the later.	31,380,299	

LOCAL ASSISTANCE SECTION

EDUCATION

397—For transfer by the State Controller to the Teachers' Permanent Fund for operation of the State Teachers' Retirement System _____		6,890,800	Teachers' Retirement System
398—For transfer by the State Controller to the Retirement Annuity Fund for operation of the State Teachers' Retirement System _____		15,276,000	
399—For publishing, purchasing, and shipping free textbooks, Department of Education, in accordance with the following schedule _____ and in addition thereto any amounts collected for sale of textbooks and bulletins, which by law are available for support of said department.		3,366,832	Free textbooks
Schedule:			
(a) Salaries and Wages _____	46,455		
(b) Operating Expenses and Equipment _____	3,338,377		
Total of schedule _____	3,384,832		
Less: Estimated reimbursements:			
(c) For sale of textbooks and bulletins _____	18,000		
Net appropriation _____	3,366,832		

PUBLIC HEALTH

Item		Amount
Local health agencies, etc.	400—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 the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	3,201,552
Tuberculosis sanatoria	401—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.	5,266,348
Physically handicapped children	402—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	3,000,000

provided, that this appropriation shall be made available to the several counties as follows:

(a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal thirty-five cents ($0 35) per capita of population of the county or city and county, determined as provided in Section 1101 of the Health and Safety Code, or shall equal the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county not to exceed twenty thousand dollars ($20,000), whichever is the greater.

(b) If the amount allocated to any county or city and county pursuant to subsection (a) exceeds the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county, the State Department of Public Health may reallocate the excess and any amount appropriated in this item and not allocated pursuant to subsection (a) to any county or city and county for which the amount allocated pursuant to subsection (a) is less than the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county; provided, that such additional allocation to any

Item | Amount

county or city and county shall not exceed the amount necessary to make the aggregate amount of state-appropriated money allocated to that county or city and county, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, equal forty-five cents ($0.45) per capita of population of the county or city and county, determined as provided in Section 1101 of the Health and Safety Code, or twenty thousand dollars ($20,000), whichever is greater; provided further, that during the Fiscal Year 1953-54 only, an additional ten thousand dollars ($10,000) may be made available to any county or city and county.

(c) If the sum appropriated in this item exceeds the amounts allocated and reallocated to all counties and cities and counties pursuant to subsections (a) and (b), and if the amount allocated and reallocated to any county or city and county pursuant to subsections (a) and (b), when added to the sum provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, is less than the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county, the State Department of Public Health may make available from such excess to the county or city and county an additional amount not to exceed twice any amount provided by the county or city and county in addition to that required by Section 270 of the Health and Safety Code.

403—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 ..... 439,653 — Treatment of cerebral palsy

404—For subsidies to local districts and other public agencies for the control of mosquitoes and gnats, as provided by Chapter 5.5 of Division 3 of the Health and Safety Code, Department of Public Health ..... 400,000 — Mosquito, etc., control

405—For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of — Construction of hospital facilities

Item	Amount
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, 1953, in the appropriation made by Item 425, Budget Act of 1952.	1,540,000

PUBLIC WORKS

Los Angeles County Flood Control District

406—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 311,000

407—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 control of floods on the Los Angeles and San Gabriel Rivers and Ballona Creek, adopted and authorized by Section 29 of the State Water Resources Act of 1945, payable from the Flood Control Fund of 1946 4,776,700

Restoration, etc., of levees, etc

408—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 15,000

SOCIAL WELFARE

Social services reimbursement

409—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 .. 739,600
provided, that all or any portion of this appropriation may be transferred to Item 268 for

Item	Amount	
support of the Department of Social Welfare, upon executive order of the Director of Finance.		
410—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	1,434,945	
provided, that all or any portion of this appropriation may be transferred to Item 268 for support of the Department of Social Welfare, upon executive order of the Director of Finance.		
411—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	5,000	
OTHER PURPOSES		
412—For State's share of salaries of judges of superior courts	1,552,500	Salaries: Superior court judges
as provided by Section 79 of the Code of Civil Procedure.		
413—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 service officers
414—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	131,976	County agricultural commissioners, etc
415—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	25,000	Workmen's compensation to civil defense workers
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		

Item		Amount
	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.	
Juvenile homes, etc	416—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	793,100

SAN FRANCISCO HARBOR

Board of State Harbor Commissioners for San Francisco Harbor	417—For support of Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund	4,044,739
	418—For maintenance of fire boats, Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund	150,000
	419—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	23,500
	420—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	75,000
	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.	
	421—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	99,500
	exempt from Section 5 of this act.	

UNEMPLOYMENT ADMINISTRATION

Item		Amount
422—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.		2,990,208
Schedule:		
(a) Salaries and wages	2,332,355	
(b) Operating expenses and Equipment	657,853	
Total of schedule	2,990,208	
423—For additional support of the Department of Employment, payable from the Department 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		63,605

Unemployment compensation disability benefits

Support of Department of Employment

Office of Civil Defense

SEC. 3 The unexpended balance of the appropriation made by Chapter 8, Statutes of 1952 (First Extraordinary Session), except $560,249 of the money specified in subdivision (b) and the money specified in subdivision (*l*) of Section 2 thereof, is hereby reappropriated for expenditure during the 1952-53 and 1953-54 Fiscal Years by the Office of Civil Defense for facilities, materials, supplies, equipment and other requirements for civil defense. In addition, there is hereby appropriated any amounts made available by the Federal Government for civil defense purposes. The appropriation made by this section is exempt from any limitations contained in Sections 2 and 3 of said act and 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.

The $560,249 of the money specified in subdivision (b) and the money specified in subdivision (*l*) of Section 2 of said act shall be reverted to the unappropriated balance of the General Fund by the State Controller on the effective date of this act.

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.

Capital Outlay and Savings Fund Settlement of U. S. v. California

SEC. 4. Upon release of all or any part of the money held in trust in the Special Deposit Fund or by the Treasurer of the United States as provided in Chapter 7 of the Statutes of 1951, pending determination or settlement of the case of United States v. California by the United States Supreme Court, by act of Congress or other settlement, there shall be transferred to the Capital Outlay and Savings Fund, the aggregate of all money required to be transferred to the General Fund from such money upon the happening of the above contingency by the provisions of this act or any other law, in addition to the accrued payments required to be made to the General Fund pursuant to Section 6816 of the Public Resources Code.

Limitations

SEC. 5. Any construction or improvement project included in any appropriation out of the Capital Outlay and Savings Fund made herein for major construction, improvements and equipment or for acquisition of real property 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).

SEC. 6. 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.

SEC. 6.5. The unexpended balance of the appropriation made by Item 372.2b, of Chapter 700, Statutes of 1949, shall revert to the Capital Outlay and Savings Fund as of June 30, 1953.

Limitation of expenditures

SEC. 7. 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 and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses.

(c) "Construct" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities.

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, 1953, to June 30, 1954," submitted by the Governor to the Legislature at the 1953 Regular 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.

Transfers from categories

SEC. 8. 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, authorize 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 projects 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.

Augmentations

SEC. 9. 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 1953-54 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.

Reductions

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

Transfers to Emergency Fund

SEC. 9.5. The State Board of Control, upon the recommendation of the Director of Finance, may authorize the transfer from any appropriation from the General Fund for support made in this act to the Emergency Fund appropriation made in Item 286 of amounts determined to be unneeded in such support appropriations by reason of a falling in the prices of commodities below the anticipated prices.

Premiums for official bonds

SEC. 10. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

Senate and Assembly disbursements

SEC. 11. 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.

Limitations

SEC. 12. The allocations made by Items 406 and 407 of the Budget Act of 1953 and Item 408 of the Budget Act of 1952 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, 1957.

Stats 1947, p 180

Stats 1945, p 2827

Payments from appropriations

SEC. 13. 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.

Expenditures from Emergency Fund, etc.

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., § 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, 1953, 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 1, 1952, and July 1, 1953, except with the specific approval of the Director of Finance subsequent to July 1, 1953.

The Director of Finance, not later than 30 days prior to the convening of the 1954 Budget Session of the Legislature, shall present to the Joint Legislative Budget Committee, assembled in meeting, a report of all positions as of July 1, 1953, which were vacant or continuously unfilled during the period between October 1, 1952, and July 1, 1953, 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.

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, such as use by the Highway Patrol, which would justify the need for an automobile of a heavier class.

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, except for use of officers excepted in Section 17 of this act, 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 appropriation

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.

Limitations on expenditures 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.

Cafeterias

SEC. 21.5. No moneys appropriated by this act shall be used to purchase equipment or supplies for employee cafeterias or for the cafeteria type blind vending stand where hot meals are served, in any state office building, unless such cafeteria or vending stand has previously been established or the amount therefor is expressly authorized by a schedule in this act.

Office furnishings

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 or for family care, school or college within any of the following agencies to a similar appropriation for another institution or for family care, 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.

Reappropriation

SEC. 23.1. The appropriation made by the provision of Item 331, Budget Act of 1952, is hereby reappropriated for expenditure until June 30, 1954

Effect of item veto

SEC. 24. 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. 25. 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. 26. 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

Limitation on use of appropriations

SEC. 26.5. No money appropriated by this act shall be used to pay the salary of any officer or employee of this State who enters into or remains a party to any agreement with any person, other than an agreement with another public officer or employee relating to public business, that he will not exercise all or a part of his powers or perform all or part of his duties without first consulting with that person.

Change in fund

SEC. 27. 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.

Limitation on drawing warrants

SEC. 27.4. Notwithstanding any other provisions of law, no warrant shall be drawn against any appropriation made herein unless at the time there is in the fund from which the appropriation was made sufficient balance to pay that warrant and every other warrant then outstanding which is payable from that fund.

No warrants shall be drawn under the provisions of Chapter 2 of Part 4, Division 4 of Title 2 of the Government Code in payment of any appropriation made under this act

State Fair passes

SEC. 27.5. The number of free passes issued for admittance without cost to the State Fair or to any district or county fair eligible for funds under this act or the Business and Professions Code shall not exceed during the 1953-54 Fiscal Year 5 percent of the gross number of paid admissions in the preceding fiscal year.

Constitutionality

SEC. 28. 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 29. 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

Urgency

SEC. 30. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the State Government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the State If they are not available for expenditure on July 1, 1953, the existing program will be delayed The expeditious correction of such condition and the efficient operation of the State's business require the immediate availability of the new

capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 972

An act to amend Sections 6009.1 and 6094 of the Revenue and Taxation Code, relating to the sales and use taxes.

In effect September 9, 1953

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 6009.1 of the Revenue and Taxation Code is amended to read:

"Storage" and "use"

6009.1. "Storage" and "use" do not include the keeping, retaining or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the State for use thereafter solely outside the State, or for the purpose of being processed, fabricated, or manufactured into, attached to or incorporated into, other tangible personal property to be transported outside the State and thereafter used solely outside the State.

SEC. 2. Section 6094 of said code is amended to read:

Taxable uses and sales

6094. If a purchaser who gives a certificate makes any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the use shall be taxable to the purchaser under Chapter 3 of this part as of the time the property is first used by him, and the sales price of the property to him shall be the measure of the tax. Only when there is an unsatisfied use tax liability on this basis shall the seller be liable for sales tax with respect to the sale of the property to the purchaser. If the sole use of the property other than retention, demonstration, or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the sales price of the property to him.

Legislative intent

SEC. 3. Sections 1 and 2 of this act are hereby declared to be the positive expression of a continuing legislative intent with respect to the construction of the Sales and Use Tax Law, and the amendments of Sections 6009.1 and 6094 of the Revenue and Taxation Code made by this act are, accordingly, clarifications of the law and not changes therein.

CHAPTER 973

An act to amend Section 18056 of the Education Code, relating to repairs and alterations of school buildings.

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 18056 of the Education Code is amended to read:

Emergency contracts

18056. In an emergency when any repairs, alterations, work or improvement is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the board may by unanimous vote, with the approval of the county superintendent of schools, make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids.

CHAPTER 974

An act to amend Sections 14307, 14308, and 14773 and to repeal Section 14309 of the Revenue and Taxation Code, relating to inheritance taxes, including but not limited to provisions for the release thereof in cases where title to property is affected by the death of any person.

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 14307 of the Revenue and Taxation Code is amended to read:

Release of property subject to lien

14307. In the case of a transfer conforming to Articles 3 and 4 of Chapter 4 of this part, the Controller, the inheritance tax attorney, a subordinate inheritance tax attorney, or an inheritance tax appraiser, upon satisfactory proof that no inheritance tax is due which would be a lien on the property transferred by reason of the death of the transferor, may release all or any portion of such property from any lien imposed by this part to which the property might otherwise be subject.

A certificate by the Controller, the inheritance tax attorney, a subordinate inheritance tax attorney, or an inheritance tax appraiser to the effect that any property or interest therein has been released from any lien imposed by this part shall be conclusive evidence as to any bona fide purchaser, encumbrancer, or lessee of said property that the property described in the certificate has been released.

SEC. 2. Section 14308 of said code is amended to read:

14308. The Controller, the inheritance tax attorney or a subordinate inheritance tax attorney may at any time release all or any portion of the real property subject to any lien imposed by this part from such lien or subordinate such lien to other liens and encumbrances if he determines that the taxes are sufficiently secured by a lien on other property belonging to the decedent at the time of his death or that the release or subordination of such lien will not endanger or jeopardize the collection of said taxes.

A certificate by the Controller, the inheritance tax attorney or a subordinate inheritance tax attorney to the effect that real property subject to any lien imposed by this part has been released from such lien or that the lien imposed by this part on any property or interest therein has been released or subordinated to other liens as in this section provided shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been subordinated as set forth in the certificate.

Repeal

SEC. 3. Section 14309 of said code is repealed.

SEC. 4. Section 14773 of said code is amended to read:

Appraiser's fees

14773. For any appraisal of property made by an inheritance tax appraiser to determine the taxability of any transfer, as to which appraisal the appraiser does not receive any compensation or expenses under Section 609 of the Probate Code, the appraiser shall receive out of the property transferred or from the transferee the fees and expenses, specified in Section 609 of the Probate Code.

Any payment under this section is in addition to any other payment to the appraiser pursuant to this part and is in lieu of any payment to him pursuant to Section 1174 of the Probate Code.

CHAPTER 975

An act to add Article 3 to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to outdoor and outside advertising signs of motels, motor courts, and like establishments.

In effect September 9, 1953

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code to read:

Article 3. Motel and Motor Court Rate Signs

"Outdoor sign", "outside sign"

17560. "Outdoor sign" or "outside sign" as used in this article means any sign visible to passers-by whether the same shall be located within or without buildings.

17561. "Room rates" as used in this article means the rates at which rooms or other accommodations are rented to occupants. "Room rates"

17562 "Operator" as used in this article includes a manager or any person in charge of the operation of motels and like establishments. "Operator" or "owner" includes natural persons, firms and corporations. "Operator", "owner"

17563. This article shall apply to operators and owners of motels, motor courts, and like establishments, and to such establishments. Application

17564. It shall be unlawful for any owner or operator of any establishment within the scope of this article, located within the State of California, to post or maintain posted on any outdoor or outside advertising sign pertaining to such establishment, any rates for accommodations in such establishment unless the sign shall have posted thereon both the minimum and maximum room, or other rental unit rates for accommodations offered for rental. All posted rates and descriptive data required by this article shall be in type and material of the same size and prominence as the aforesaid data. This section shall not be held to be complied with by signs stating the rate per person or bearing the legend "and up." Prohibited advertising

17565. It shall be unlawful for any owner or operator of any establishment within the scope of this article to post or maintain posted on outdoor or outside advertising signs rates for accommodations in any such establishment unless there shall be available in any such establishment when vacant accommodations for immediate occupancy to meet the posted rates on such advertising signs.

17566. It shall be unlawful for any owner or operator of any establishment within the scope of this article to post or maintain outdoor or outside advertising signs in connection with any such establishment relating to rates which shall have thereon any untrue, misleading, false, or fraudulent representations.

17567. Nothing contained in this article shall be construed so as to require establishments within the scope of this article to have outdoor or outside signs. This article, however, shall be liberally construed so as to prevent untrue, misleading, false, or fraudulent representations relating to rates being placed upon outdoor or outside signs pertaining to such establishments. Construction

17568. Any person violating the provisions of this article is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars ($300), or by imprisonment not exceeding six months, or by both such fine and imprisonment. Penalty

CHAPTER 976

An act to amend Sections 11404 and 11405 of the Revenue and Taxation Code, relating to taxes on private cars.

In effect September 9, 1953

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 11404 of the Revenue and Taxation Code is amended to read:

Notice of assessment

11404. On or before October 15th in each year the board shall cause to be mailed to each person against whom a tax is levied a notice stating the amount of the assessment, the rate and amount of tax, and a demand that the tax be paid to the board not later than December 10th following.

SEC. 2. Section 11405 of said code is amended to read:

Penalty

11405. If the tax is not paid on or before December 10th following the levy of the tax, a penalty of 10 percent of the amount of the tax shall be added thereto plus interest on the amount of the tax at the rate of one-half of 1 percent per month, or fraction thereof, from December 10th until the date of payment.

CHAPTER 977

An act to amend Section 6720 of, and to add Section 6722 to, the Welfare and Institutions Code, relating to escape from a state hospital or Veterans' Administration hospital or facility.

In effect September 9, 1953

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 6720 of the Welfare and Institutions Code is amended to read:

Apprehending patients, etc., of state hospital, etc.

6720. When any patient or inmate has escaped from any state hospital or from any hospital or facility operated by or under the Veterans' Administration of the United States Government, or when a patient's return from parole or leave of absence has been authorized or ordered by the Department of Mental Hygiene or the facility of the Veterans' Administration, any peace officer, upon written request of a state hospital or veterans' facility, shall without the necessity of a warrant or court order, or any officer or employee of the Department of Mental Hygiene designated to perform such duties may, apprehend, take into custody and deliver him to a state hospital or to a facility of the Veterans' Administration, or to any person or place authorized by the Department of Mental Hygiene, or by the Veterans' Administration, as the case may be, to receive him. Every officer or employee of the department designated to appre-

hend or return such patients shall have the powers and privileges of peace officers so far as necessary to enforce the provisions of this section.

As used in this section "any peace officer" means any sheriff, undersheriff, deputy sheriff, constable of a township, chief of police or policeman of a city or town, who is regularly employed and paid as such by a county, township, city or town. "Any peace officer"

SEC. 2. Section 6722 is added to said code, to read:

6722. Every peace officer who is designated in and pursuant to Section 6720 delivers or assists in the delivery of a patient to a state hospital or other place designated by a state hospital shall be entitled to receive from the state hospital such fees and expenses as are payable to sheriffs for conveyance of patients to state hospitals. Fees and expenses

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CHAPTER 978

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. As used in this act "taxing agency" includes the State, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed. "Taxing agency"

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments "Revenue district"

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective. Valid, confirmed, etc., acts

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken. Limitation

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

SEC. 5. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected. Saving clause

CHAPTER 979

An act to amend Section 11025 of the Education Code, relating to royalties on textbooks written by teachers.

In effect September 9, 1953

[Approved by Governor June 3, 1953. Filed with Secretary of State June 3, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 11025 of the Education Code is amended to read:

Prohibited acts

11025. No officer named in this code, and no teacher in any public school, shall act as agent for any author, publisher, bookseller, or other person, to introduce any book, apparatus, furniture, or other article whatever, in the common schools of this State, or directly or indirectly contract for, or receive any gift or reward for introducing or recommending the article.

Penalty

Any officer so acting or receiving is guilty of a misdemeanor, and, shall be punished by fine or imprisonment, and shall be removed from office.

Construction

Nothing herein contained shall be construed to prohibit or restrict a teacher in any public school from receiving royalties or other compensation from the publisher or producer of a book or other instructional material written, designed or prepared by such teacher, and adopted or purchased by the State or by any school district, other than compensation paid as commission to the teacher for negotiating sales to the district by which the teacher is employed. No district shall have or claim the right to receive any such royalty or other compensation due to any teacher employed by the district unless the textbook or other material was written or prepared during the normal school day during which the teacher is required by the district to be on duty.

CHAPTER 980

An act to amend Section 6854 of the Public Resources Code, relating to leases of public lands for the production of oil and gas.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 6854 of the Public Resources Code is amended to read:

Lease of oil and gas land

6854. Lands, other than tide or submerged lands, belonging to the State and dedicated to a public use may be leased by the commission for the production of oil and gas in accordance with the provisions of this article and of this chapter insofar as not in conflict with this article.

Where such lands have been acquired for the use of a specific state agency, consent of this agency shall be obtained by the commission for occupation by a state lessee of the surface of the lands for drilling locations or producing facilities. The commission may lease such lands for the production of oil and gas without the consent of the state agency if development under such lease is made by slant drilling from surface locations on lands not under the control of such state agency.

CHAPTER 981

An act to repeal Section 39.6 of the Fish and Game Code, relating to the powers and duties of the Fish and Game Commission.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 39.6 of the Fish and Game Code is repealed.

Repeal

CHAPTER 982

An act to amend Section 39.2 of the Fish and Game Code, relating to fish and game and the administration of the laws pertaining thereto.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 39.2 of the Fish and Game Code is amended to read:

39.2. Whenever after due investigation the commission shall find that game fish, birds, or mammals have decreased in numbers in any district to such an extent that a scarcity exists, the commission is hereby authorized to reduce the daily bag limit and the possession limit on such species of game fish, birds or mammals as are in danger of depletion, for such period of time as may be specified or until such time as new legislation thereon enacted by the Legislature may become effective.

Fish and game limits

Any order issued under the provisions of this section shall be filed with the Secretary of State, and such filing shall be deemed a legal notice thereof, and such order shall be published twice in at least one newspaper of general circulation in any county affected by such order. Such publications shall be separated by a period of not less than one week and not more than two weeks. Such orders shall be posted in such public places in each county as the director may direct.

CHAPTER 983

An act to amend Section 9641 of the Education Code, relating to education of physically handicapped minors.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 9641 of the Education Code is amended to read:

Education of physically handicapped minors

9641. County superintendents of schools may in their discretion provide for the education of physically handicapped minors who otherwise would be denied proper educational advantages. The education may be provided

(a) In emergency elementary schools;

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county;

(c) By the maintenance of special classes of secondary grade;

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions;

(e) By cooperation with the Bureau of Vocational Rehabilitation of the State Department of Education in the provision of individual instruction and coordination services; or

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

The costs incurred by county superintendents of schools for the education of physically handicapped children of elementary and secondary grade shall be paid from the county school service fund.

CHAPTER 984

An act to amend Section 2200 of the Welfare and Institutions Code, relating to old age security in respect to the payment of aid, and furnishing of medical or hospital care following a change of residence.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2200 of the Welfare and Institutions Code is amended to read:

Change in county residence. Aged aid

2200. Any recipient of aid under this chapter who removes from one county to another county in this State shall be entitled to aid, upon the first day of the first month beginning after the date upon which he attained residence of one year in the county

to which he has so removed, unless the day upon which he attains one year of residence is the first day of the month, in which event the transfer of costs shall take place upon this day, the removal of any person receiving aid hereunder from one county to another within this State shall not work a forfeiture during such one-year period of the aid previously awarded under this chapter.

For the purposes of this section, it is presumed that the period of time for the acquisition of one year's residence in the county to which the person has removed shall start to run upon the date of removal from the county in which he has previously acquired a residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the recipient. The county to which such person has removed shall provide the necessary medical or hospital, or both, care if needed during the one-year period of establishment of residence under this section.

If a recipient returns to the county granting him aid, after an absence of less than one year, he shall not be deemed to have lost his residence therein.

CHAPTER 985

An act to amend Section 3090 of the Welfare and Institutions Code, relating to aid to needy blind in respect to the payment of aid, and furnishing of medical or hospital care following a change of residence.

[Approved by Governor June 4 1953 Filed with Secretary of State June 5, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 3090 of the Welfare and Institutions Code is amended to read:

Change in county residence Blind aid

3090. Any person qualified for and receiving aid under the provisions of this chapter in any county of the State, who removes to another county in the State, shall be entitled to aid under the provisions of this chapter upon the first day of the first month beginning after the date upon which he attained one year of residence in the county to which he has removed, unless the day upon which he attains one year of residence is the first day of the month in which event the transfer of costs shall take place upon this day, and such removal shall not work a forfeiture during such one-year period of the aid previously awarded under this chapter.

For the purposes of this section, it is presumed that the period of time for the acquisition of one year's residence in the county to which the person has removed, shall start to run upon the date of removal from the county in which he has previously acquired residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the re-

cipient. The county to which such person has removed shall provide the necessary medical or hospital care, or both, during the one-year period of establishment of residence under this section.

Any blind person who leaves his county for the purpose of attending an institution of learning located in the State shall be deemed, for the purposes of this chapter, not to have moved from his county.

If a recipient returns to the county granting aid to him, after an absence of less than one year, he shall not be deemed to have lost his residence therein.

CHAPTER 986

An act to amend Section 162 of the Probate Code, relating to payment of interest on legacies.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 162 of the Probate Code is amended to read:

Interest on general pecuniary legacies

162. General pecuniary legacies, if not paid prior to the first anniversary of the testator's death, bear interest thereafter at the rate of 4 percent per annum. Annuities commence at the testator's death and are due at the end of the annual, monthly or other specified period. Whenever an annuitant, legatee of a legacy for maintenance or beneficiary of a trust may be entitled to periodic payments or trust income commencing at the testator's death, he shall be entitled to interest at 4 percent per annum on the amount of any unpaid accumulations of such payments or income held by the executor or administrator on each anniversary of the decedent's death, computed from the date of such anniversary.

CHAPTER 987

An act to amend Section 525 of the Vehicle Code, relating to driving upon divided highways.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 525 of the Vehicle Code is amended to read:

Right side rule Exceptions

525. Drive on Right Side of Roadway—Exceptions. (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(2) When placing a vehicle in a lawful position for, and when such vehicle is lawfully making a left turn.

(3) When the right half of a roadway is closed to traffic while under construction or repair.

(4) Upon a roadway designated and signposted for one-way traffic.

(b) The State Department of Public Works shall by regulation determine a distinctive roadway marking which shall indicate no driving over such marking, and is authorized either by such marking or by signs and markings to designate any portion of a state highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and marking. When such markings or signs and markings are in place, the driver of a vehicle shall not drive along the highway to the left thereof, but this shall not prevent turning to the left across any such markings at any intersection or private driveway. Signs

(c) It is unlawful to drive any vehicle upon any highway which has been divided into two or more roadways by means of intermittent barriers or by means of a dividing section of not less than two feet in width either unpaved or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section, or to drive any vehicle over, upon, or across any such dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except through an opening in such barrier designed and intended by public authorities for the use of vehicles or through a plainly marked opening in such dividing section. Divided highways

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CHAPTER 988

An act making an appropriation for the support of the Local Allocations Division of the Department of Finance, to take effect immediately.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of sixty-two thousand nine hundred thirty-six dollars ($62,936) is hereby appropriated from the Public School Building Loan Fund to the Director of Finance for additional support of the Local Allocations Division of the Department of Finance, in augmentation of Item 129 of the Budget Act of 1951. Appropriation

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect. Current expenses

CHAPTER 989

An act making an appropriation for the support of the Local Allocations Division of the Department of Finance, to take effect immediately.

In effect immediately

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. The sum of fifty-seven thousand seven hundred ninety-five dollars ($57,795) is hereby appropriated from the School Building Aid Fund to the Director of Finance for support of the Local Allocations Division of the Department of Finance, to be expended during the 1952-53 Fiscal Year.

Current expenses

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 990

An act making an appropriation for the support of the Local Allocations Division of the Department of Finance, to take effect immediately.

In effect immediately

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. The sum of four thousand four hundred twenty-five dollars ($4,425) is hereby appropriated from the School Building Loan Fund to the Director of Finance for additional support of the Local Allocations Division of the Department of Finance, in augmentation of Item 136 of the Budget Act of 1952.

Current expenses

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 991

An act to add Chapter 6 to Part 5 and Chapter 5 to Part 6 of Division 13 of the Water Code, relating to California water districts.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 is added to Part 5 of Division 13 of the Water Code, to read:

CHAPTER 6 COOPERATION WITH THE UNITED STATES

35875. Districts may 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 act of Congress heretofore or hereafter enacted permitting cooperation. Cooperation and contracts with U. S.

35876. The cooperation and contract may be for any or all of the following purposes: Purposes

(a) Acquisition, extension, or operation of works for irrigation or drainage or flood control.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the United States.

35877. Districts may carry out and perform the terms of any contract so made. Performance

35878. To carry out the preceding sections of this article a district has all powers, rights, and privileges possessed by irrigation districts and may exercise those powers, rights, and privileges in the same manner as irrigation districts as provided in the Irrigation District Federal Cooperation Law. District powers, etc.

35879. If any provision of the Irrigation District Federal Cooperation Law is held unconstitutional, that decision shall not affect the validity of the adoption by reference in this article of the remaining portions of that law. Constitutionality

35880. In any contract made between a district and the United States pursuant to this chapter, the land which may be charged with any taxes or assessments under the contract shall be designated and described. Limitation

SEC. 2. Chapter 5 is added to Part 6 of Division 13 of the Water Code, to read:

CHAPTER 5. IMPROVEMENT DISTRICTS

36450. Improvement districts may be formed in districts in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts. Improvement districts. Formation

36451. The board of directors of a district shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in districts as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts. Same Power of board

36452. The board shall also have, in addition to its other powers, the same powers with respect to improvement districts in districts as the board of directors of an irrigation district has with respect to distribution districts in irrigation districts.

36453. Assessments in an improvement district in a district shall be levied, collected and enforced at the same time and in Assessments

as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts or distribution districts in irrigation districts.

CHAPTER 992

An act to amend Sections 31454.5, 31676.1, 31676.2, 31676.3, 31676.4, 31676.5, 31676.55, 31676.6, and 31676.7 of, and to add Section 31676.56 to, the Government Code, relating to county retirement systems.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 31454.5 of the Government Code is amended to read:

Additional appropriations

31454.5. In any county subject to the provisions of Section 31676.1 the board of supervisors may, by vote entered in the minutes of the board, make an additional appropriation sufficient to fund over a period of 30 years any deficit which may result to the system because of the adoption of Section 31676.1 or by the adoption of Articles 6.8 and 7.5. The board of supervisors may make such additional appropriation whether recommended by the board or not.

SEC. 2. Section 31676.1 of said code is amended to read:

Computation of retirement allowance Counties above 295,000 population

31676.1. This section shall apply in any county having a population in excess of 295,000 as of the ninety-first day following the adjournment of the 1953 Session of the Legislature. This section may be made applicable in any county thereafter acquiring a population in excess of 295,000 on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed sixty-five percent (65%) of the member's final compensation.

Age of retirement	Fraction Men	Fraction Women
50	.6852	.7091
50¼	.6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	.7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	.7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656
54½	.8570	.8755
54¾	.8674	.8855
55	.8779	.8954
55¼	.8893	.9061
55½	.9006	.9168
55¾	.9119	.9275
56	.9232	.9382
56¼	.9355	.9498
56½	.9478	.9614
56¾	.9602	.9730
57	.9725	.9846
57¼	.9860	.9972
57½	.9994	1.0098
57¾	1.0129	1.0224
58	1.0264	1.0350
58¼	1.0411	1.0487
58½	1.0559	1.0625
58¾	1.0706	1.0762
59	1.0853	1.0899
59¼	1.1015	1.1049
59½	1.1176	1.1199
59¾	1.1338	1.1349
60	1.1500	1.1500
60¼	1.1610	1.1611
60½	1.1721	1.1723
60¾	1.1832	1.1835
61	1.1943	1.1947
61¼	1.2091	1.2097
61½	1.2239	1.2247
61¾	1.2387	1.2398
62	1.2535	1.2548
62¼	1.2691	1.2707

Age of retirement	Fraction Men	Fraction Women
62½	1.2848	1.2867
62¾	1.3004	1.3026
63	1.3160	1.3186
63¼	1.3326	1.3355
63½	1.3491	1.3525
63¾	1.3657	1.3695
64	1.3822	1.3865
64¼	1.3998	1.4047
64½	1.4173	1.4229
64¾	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system. Contributions shall not be made by members having credit for 30 years of continuous service.

In any county operating under this section any limitation in Section 31583 or 31624 or in any other provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded

SEC. 3. Section 31676.2 of said code is amended to read:

31676.2. This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. When the compensation of a member subject to the provisions of Section 31676.1 is a factor in any computation to be made under this chapter, there shall be excluded from such computation, for any period of county service prior to October 1, 1949, any compensation earned since the establishment of the retirement system in such county upon which compensation the member has not paid contributions into the retirement fund because of the provisions of Section 31583 or 31624, unless, prior to January 1, 1952, and prior to retirement such member shall elect, by written notice filed with the board, to pay into the retirement fund, by lump-sum payment or by pay roll deductions over a period not exceeding 36 months and prior to the effective date of his retirement, and thereafter pays into the retirement fund within the period specified, (1) such additional amount as he would have contributed as a part of his normal contributions, assuming the entire compensation earnable by him was subject to normal contributions during the entire period of his membership in the system since its establishment in such county; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption. At the time of filing the notice of election, as herein provided, any such member may elect to apply toward the additional amount payable by him pursuant to such election, any additional accumulated contributions with which he is entitled to be credited.

The entire compensation of a member shall be included in any computation to be made under Section 31676.1 for any period of county service on and after October 1, 1949, but if such election is not made or such amounts are not paid, there shall be excluded from the total payments made as current service pension, prior service pension and service retirement annuity, twice the actuarial equivalent at the time of retirement of such amounts plus regular interest thereon. If a member subject to the provisions of Section 31676 1 makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this chapter for the entire period of service with which he is entitled to be credited at retirement.

SEC. 4. Section 31676.3 of said code is amended to read:

31676.3. This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. A member shall receive no credit for prior service subsequent to June 30, 1921, in calculating a retirement allowance pursuant to Section 31676.1 unless, within 90 days after the effective date of this section, he files with the board his written election to pay into the retirement fund six dollars ($6) for each month of prior service subsequent to June 30, 1921, for which he claims credit, and unless he makes such payments as provided in this article.

SEC. 5. Section 31676.4 of said code is amended to read:

31676.4. This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. If a member in a system established pursuant to either Chapter 4 or Chapter 5 who will become a member of a retirement system subject to the provisions of Section 31676.1 who does not elect to become a safety member, or any person already a member of such a retirement system who prior to January 1, 1952, files a written election with the board not to come under Section 31676.1, then Sections 31676.1, 31676.2, 31676.3, 31676.5, and 31676.6 and this section shall not apply to such member and he shall be entitled upon retirement to his service retirement annuity, his current service pension and his prior service pension, if any, as if this section and Sections 31676 1, 31676 2, 31676.3, 31676.5, and 31676.6 had not been added to this chapter

SEC 6. Section 31676.5 of said code is amended to read:

31676.5 This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. If a member files an election pursuant to Section 31676.3 and does not file an election pursuant to Section 31676.4, all accumulated additional contributions shall be applied to any payments due in order to obtain credit for prior service subsequent to June 30, 1921. If the accumulated additional contributions exceed the amount necessary to make such payments, the treasurer shall refund the balance to such member. If the member does not claim credit for any prior service subsequent to June 30, 1921, the treasurer shall refund to him all of his accumulated additional contributions.

SEC. 7. Section 31676.55 of said code is amended to read:

31676.55. This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. If a member has filed, or shall file, a written election with the board not to come under Section 31676.1 he may, at any time prior to January 1, 1952, file a written rescission of such election with the board. When such a rescission is filed, Sections 31676.1, 31676.2, 31676.3, 31676.4, 31676.5, and 31676.6 shall apply to such member and he may not again file an election not to come under Section 31676.1.

SEC. 8. Section 31676.56 is added to said code, to read:

31676.56. In any county coming under the provisions of Section 31676.1 subsequent to January 1, 1953, any member having in excess of 30 years of service may within 90 days from the effective date of this amendment elect in writing not to come under the provisions of Section 31676.1.

SEC. 9. Section 31676.6 of said code is amended to read:

31676.6. This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. If a member files an election pursuant to Section 31676.3 and does not file an election pursuant to Section 31676.4, and either he has no accumulated additional contributions to his credit or the accumulated contributions to his credit are less than payments due for credit for prior service subsequent to June 30, 1921, the amount due or balance thereof shall be paid by additional salary deductions in the amounts specified by the member but in no case less than six dollars ($6) per month. The total amount due shall be paid prior to the effective date of his retirement.

SEC. 10. Section 31676.7 of said code is amended to read:

31676.7. This section shall apply only to counties coming under the provisions of Section 31676.1 prior to January 1, 1953. Any member who was retired between May 6, 1949, and the effective date of this section because of attainment of compulsory retirement age may elect to have his retirement allowance recalculated pursuant to Section 31676.1 if he makes all the payments required by Sections 31676.2 and 31676.3, in which case Sections 31676.5 and 31676.6 shall also apply to such member.

CHAPTER 993

An act to add Section 18406.1 to the Financial Code, relating to loans secured by real property made by an industrial loan company.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 18406.1 is added to the Financial Code, to read:

18406.1. Except as provided in Section 18406, no industrial loan company shall make or purchase any loan secured by real property unless such loan is repayable in substantially equal weekly, semimonthly or monthly installments during the term of the loan which shall not exceed two years from the date of making or acquiring the loan. Real property loans

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CHAPTER 994

An act to add Chapter 3.5 to Part 6, Division 2 of the Revenue and Taxation Code, relating to the correction of assessments of private cars.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 is added to Part 6, Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 3.5. CORRECTIONS

11426. When it can be determined by any report or from any papers of the board what was intended or what should have been assessed, defects in form or clerical errors of the board in assessing private cars may be corrected by the board under this chapter at any time within two years after the assessment was made. Correction of assessment errors

11427. If the correction will increase the amount of tax due, the board shall give the assessee opportunity for a hearing after at least five days' notice at which he may present his objections to the change. The board's decision is final.

11428. The date and nature of the correction shall be entered in the records of the board and a statement of the correction of the assessment shall be mailed to the assessee.

11429. If the amount of the tax is increased the additional tax shall be paid to the board on or before December 10th following the levy of the tax, or on or before the fifteenth day following the date of mailing the statement, whichever is the later.

11430. If the additional tax is not paid when due and payable, a penalty of 10 percent of the amount of the additional tax shall be added thereto, plus interest on the amount of the additional tax at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the additional tax became due and payable until the time of payment. Penalty

CHAPTER 995

An act to amend Section 650.6 of the Vehicle Code, relating to restrictions on lamps.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 650.6 of the Vehicle Code is amended to read:

Lamp limitation

650.6. Special Restrictions on Lamps. (a) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, fog lamps, signal lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Flashing lights are prohibited on motor vehicles except as a means of indicating right or left turn. Emergency vehicles shall be exempt from this regulation, and tow cars to the extent as provided in Section 586.5. Vehicles used by highway authorities in highway maintenance work may be equipped with flashing or other red lights, to the front or rear, which may be used during the nighttime or at times of low visibility when such vehicles are parked or working on the highway. Vehicles used by mosquito abatement districts or pest abatement districts, when dispersing insecticides in aerosol form or as mists, fogs or smokes, may be equipped with flashing or other red lights, to the front or rear, which may be used during the nighttime or at times of low visibility, when such vehicles are parked or working on the highway.

Exceptions

(c) No vehicle shall be equipped with any lamp or illuminating device not required or permitted in this code. The provisions of this section shall not apply to:

1. Interior lamps;

2. Lamps needed in the operation or utilization of those vehicles mentioned in Section 623.5, or vehicles used by public utilities in the repair or maintenance of their service; or

3. Lamps or devices that emit a diffused nonglaring light of not more than 0.05 of one candlepower per square inch of area.

Any diffused nonglaring light shall not display red to the front, but may display other colors notwithstanding the color limitations in Section 640. Such diffused nonglaring light shall not resemble nor be installed within 12 inches or in such position as to interfere with the visibility or effectiveness of any required lamp, reflector or other device upon the vehicle, nor shall any such diffused nonglaring light resemble any traffic sign, signal or control device nor any street or highway regulatory, warning, directional or informational sign. Every such diffused nonglaring light shall be subject to approval by the California Highway Patrol.

Such lamps or devices shall be limited in size to an area of 720 square inches and where any lease, rental or donation is involved the installation of such lamps or devices shall be limited to those vehicles operated either primarily within business or residential districts or municipalities, or between business districts, residential districts and municipalities in close proximity.

(d) The department may issue a permit for the use of lamps or devices for experimental purposes. The use of any lamp or device under such permit shall not be deemed to be a violation of this code

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CHAPTER 996

An act to amend Sections 799 and 802 of the Agricultural Code, relating to grapes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 799 of the Agricultural Code is amended to read:

799. There are two standards for grapes. All grapes of the varieties in Group A shall be considered table grapes and all other varieties juice grapes. Grapes of all varieties must at least meet the standard for juice grapes. Standards

GROUP A

(White)

Almeria	Khandahar
Aspiran Blanc	Ladyfinger
Bicane	Malaga
Chasselas de Fontainebleau	Ohanez
Chasselas Napoleon	Olivette Blanche
Cornichon Blanc	Olivette de Vendemain
Crystal	Perlette
Dattier de Beyrouth	Persian 23
Delight	Pizzutello di Roma
Dizmar	Rish Baba
Golden Queen	Rosaki
Khalili	Thompson Seedless

(Red)

Angelino	Maraville de Malaga
Cardinal	Molinera Gorda
Catawba	Pink Thompson Seedless
Flame Tokay	Piment
Hunisa	Sultanina Rose
Chasselas Rose	Tokay
Emperor	Zabalkanski
Red Malaga	Zabalkanskoi
Rose de Falloux	

(Black)

Black Corinth	Isabella Regia
Black Ferrara	Black Monukka
Black Hamburg	Black Morocco
Blackrose	Muscat Albardiens
Black Zante	Black Prince
Bleu Grau	Muscat Hamburg
California Concord	Olivette Noir
Concord	Panariti
Corinthe Noir	Pierce
Cornichon	Pierce Isabella
Danugue	Pizzutello Nero
Drodelabi	Prune de Cazouls
Frankenthal	Purple Damascus
Fresno Beauty	Rose of Peru
Gros Colman	Ribier
Gros Guillaume	Servian Blue
Isabella	Snow's Muscat Hamburg
	Zante Currant

and other similar varieties.

SEC. 2. Section 802 of said code is amended to read:

Definitions

802. As applied to grapes:

(a) "Mature" means that each bunch of the varieties classified above in Group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Thompson Seedless and Malaga varieties of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of these varieties grown in the area south and east of San Gorgonio Pass, Thompson Seedless and Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent, except that Thompson Seedless grapes produced in the area north and west of San Gorgonio Pass shall be considered mature if they so test not less than 17 percent and if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dizmar, Ribier, Delight and Perlette shall so test not less than 16 percent and the varieties Olivette Blanche, Ladyfinger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose and Cardinal varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

"Mature" in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than 18 percent and the variety Burger shall test not less than 16 percent.

In the event that the maturity standard fixed for the Thompson Seedless and Malaga varieties of grapes produced in that area northwest of the San Gorgonio Pass should be declared void, it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail.

Any varieties included in group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, the maturity of varieties included in group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container. The maturity of all varieties not included in group A shall be determined by testing the juice from a composite sample representative of the average of the grapes in any container or bulk lot. The standards provided by this section are minimum standards, and the tolerances allowed by Sections 800 and 801 shall not be applied to any test made in accordance with this section for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety.

(b) "Waterberry" means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

(c) "Redberry" means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

(d) "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

(e) "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries.

(f) "Severe freezing injury" means damage affecting the pulp of the berries.

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

The production of grapes is an important industry in this State and the orderly marketing of properly matured table

grapes is necessary in order that the consumers shall have an appropriate supply of such grapes. The harvesting season of the current year will commence prior to the time this act would ordinarily take effect. The changes in the classification and standards of grapes as provided in this act should take effect prior to the 1953 marketing season in order that the benefits of the act may be available to producers and consumers during the current year.

CHAPTER 997

An act to amend Section 1083 of the Agricultural Code, relating to feed for livestock.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1083 of the Agricultural Code is amended to read:

Feed tags or labels

1083. Every lot or parcel of commercial feeding stuffs sold or distributed within this State except as otherwise provided in this chapter or by specific regulation of the director declaring the statement not to be applicable to certain products, shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement certifying:

(a) The net weight of the contents of the lot or parcel.

(b) The name, brand or trade-mark.

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market.

(d) The minimum percent of crude protein.

(e) The minimum percent of crude fat.

(f) The maximum percent of crude fiber.

(g) The maximum percent of ash.

(h) The recognized official name of each ingredient used in its manufacture.

(i) The percent of such ingredients as corn cobs, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, when such constitute a portion of the lot or parcel.

(j) The maximum percent of mineral matter it contains.

(k) In the case of mixed feeds containing more than 5 percent of mineral ingredients, the minimum percentage of calcium (Ca), of phosphorus (P), of iodine (I), and the maximum percentage of salt if the same be added.

(*l*) The maximum percentage of salt in any mixed feeds if more than 2 percent of salt is present or added.

(m) In the case of commercial feeding stuffs for which special qualities are claimed, such as vitamin potency, amino acid content, or protein quality, a definite guarantee relative to such quality.

(n) In cases where simple animal protein concentrates are sold or distributed the quality index of such protein may be certified to in addition to the minimum percent of crude protein.

Whenever a manufacturer, processor, or mixer of feeding stuffs makes a claim or guarantee relative to the content of such feeding stuffs on or with the package containing same, which claim or guarantee is in addition to those required by law, he shall be responsible for maintaining such claim or guarantee, and may be required to submit information and records pertinent to such claim or guarantee.

Any commercial feeding stuff containing a substance which is toxic or poisonous if consumed in quantities greater than recommended by the manufacturer shall be so labeled that the user will be warned of the toxic or poisonous effects resulting from feeding such excess quantity.

CHAPTER 998

An act to repeal Chapter 426 of the Statutes of 1923, relating to water conservation districts.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 426, of the Statutes of 1923, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 999

An act to repeal Chapter 861 of the Statutes of 1927, relating to the Ventura County Harbor District.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 861, of the Statutes of 1927, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers con- Effect

ferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1000

An act to repeal Chapter 346 of the Statutes of 1909, relating to swamp land, levee or reclamation districts.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 346, of the Statutes of 1909, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1001

An act to repeal Chapter 1100 of the Statutes of 1939, relating to storm drain maintenance districts.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 1100, of the Statutes of 1939, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1002

An act to repeal Chapter 479 of the Statutes of 1923, relating to the Santa Clara County Irrigation District.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 479, of the Statutes of 1923, is hereby repealed.

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1003

An act to repeal Chapter 822 of the Statutes of 1921, relating to the Santa Clara County Irrigation District.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 822, of the Statutes of 1921, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1004

An act to repeal Chapter 481 of the Statutes of 1871-2, relating to the Mormon Slough Reclamation District.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 481, of the Statutes of 1871-2, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1005

An act to repeal Chapter 792 of the Statutes of 1927, relating to the Bayside Reclamation District.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 792, of the Statutes of 1927, is hereby repealed. Repeal

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1006

An act to repeal Chapter 728 of the Statutes of 1909, relating to the American River No. 1, Reclamation Districts.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 728, of the Statutes of 1909, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1007

An act to repeal Chapter 384 of the Statutes of 1913, relating to Reclamation District No. 1400.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 384, of the Statutes of 1913, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1008

An act to repeal Chapter 567 of the Statutes of 1877-8, relating to Reclamation District No. 254.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 567, of the Statutes of 1877-8, is hereby repealed.

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1009

An act to repeal Chapter 348 of the Statutes of 1877-8, relating to Reclamation District No. 252.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 348, of the Statutes of 1877-8, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1010

An act to repeal Chapter 718 of the Statutes of 1911, relating to overflow districts.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 718, of the Statutes of 1911, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1011

An act to repeal Chapter 724 of the Statutes of 1909, relating to municipal water districts.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 724, of the Statutes of 1909, is hereby repealed. Repeal

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1012

An act to repeal Chapter 166 of the Statutes of 1891, relating to the Sutter County No. 6 Levee District.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 166, of the Statutes of 1891, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1013

An act to repeal Chapter 299 of the Statutes of 1875-6, relating to the Sutter County No. 2 Levee District.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 299, of the Statutes of 1875-6, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1014

An act to repeal Chapter 551 of the Statutes of 1877-8, relating to the Sacramento County No. 1 Levee District.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 551, of the Statutes of 1877-8, is hereby repealed.

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

CHAPTER 1015

An act to repeal Chapter 470 of the Statutes of 1877-8, relating to the Bear River No. 1 District.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 470, of the Statutes of 1877-8, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

CHAPTER 1016

An act to repeal Chapter 680 of the Statutes of 1909, relating to the Yolo Basin Drainage District.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 680, of the Statutes of 1909, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

CHAPTER 1017

An act to repeal Chapter 381 of the Statutes of 1867-8, relating to the Washington Drainage District of Yolo County.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 381, of the Statutes of 1867-8, is hereby repealed. Repeal

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1018

An act to repeal Chapter 643 of the Statutes of 1877-8, relating to the Sacramento River Drainage District.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 643, of the Statutes of 1877-8, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1019

An act to repeal Chapter 102 of the Statutes of 1923, relating to drainage districts.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 102, of the Statutes of 1923, is hereby repealed.

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1020

An act to repeal Chapter 228 of the Statutes of 1897, relating to drainage districts.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 228, of the Statutes of 1897, is hereby repealed.

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1021

An act to repeal Chapter 117 of the Statutes of 1880, relating to drainage districts.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 117, of the Statutes of 1880, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1022

An act to repeal Chapter 745 of the Statutes of 1915, relating to county power pumping districts.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 745, of the Statutes of 1915, is hereby repealed. Repeal

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed. Effect

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CHAPTER 1023

An act to repeal Chapter 332 of the Statutes of 1919, relating to conservancy districts.

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 332, of the Statutes of 1919, is hereby repealed. Repeal

Effect

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

CHAPTER 1024

An act to amend Section 69895 of, and to add Section 69895.5 to, the Government Code, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

In effect September 9, 1953

[Approved by Governor June 4, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 69895 of the Government Code is amended to read:

Salary of judges' secretary San Francisco

69895. In any county with a population of less than 2,000,000 but more than 750,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand one hundred twenty-five dollars ($1,125) a month.

In such a county with a population of over 750,000 but less than 2,000,000, on the authorization of the judges, the secretary shall have four assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be four hundred ninety dollars ($490) a month. The salaries of such secretaries and of such assistants shall be paid by the county in which they serve.

SEC. 2. Section 69895.5 is added to said code, to read:

Same Alameda County

69895.5. In any county with a population of less than 750,000 and more than 600,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand dollars ($1,000) a month.

CHAPTER 1025

An act to add Section 69903 to the Government Code, relating to superior court employees in counties with a population of less than 750,000 but more than 700,000.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 69903 is added to the Government Code, to read:

69903. In any county with a population of less than 750,000 but more than 700,000 as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, if said secretary shall have occupied said position less than six years his salary shall be not less than six hundred dollars ($600) per month nor more than one thousand dollars ($1,000) per month, said salary to be fixed within said limits by a majority of the judges of the superior court of such county. In such a county the secretary may have to assist him in the performance of his duties six clerks, two of whom shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred dollars ($600) and four of whom shall receive a salary of not less than two hundred dollars ($200) nor more than five hundred dollars ($500) a month. Such clerks shall be appointed by the secretary with the approval of the presiding judge of the superior court of such county. Each such clerkship shall be exempt from civil service laws. The salaries of such clerks shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary and such clerks shall be paid by the county in which they serve.

Salary of judges' secretary, Alameda County

CHAPTER 1026

An act to amend Section 73341 of the Government Code, relating to the number of judges of the municipal court in a district embracing the City of Alameda.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 73341 of the Government Code is amended to read:

73341. There shall be one judge who shall receive thirteen thousand five hundred dollars ($13,500) annually.

Number and salary of judges

SEC. 2. This act shall become operative upon the expiration of the terms of the present incumbents. At the election of judge for the municipal court in the judicial district embracing the City of Alameda following January 1, 1954, only one judge shall be elected, unless a vacancy occurs before such election, in which event the office of judge of said court becoming vacant is abolished at the date of the occurrence of the vacancy.

Operative date

CHAPTER 1027

An act to add Section 451.1 to the Vehicle Code, relating to direction of traffic by firemen.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 451.1 is added to the Vehicle Code, to read:

Order, etc., of firemen

451.1. Obedience to Firemen. It is unlawful to wilfully fail or refuse to comply with any lawful order, signal, or direction of any member of any fire department, paid, volunteer, or company operated, when wearing the badge or insignia of a fireman and when in the absence of a police officer and in the course of his duties he is protecting the personnel and fire department equipment.

CHAPTER 1028

An act to add Section 5010 to the Education Code, relating to audits of school funds declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5010 is added to the Education Code, to read:

Annual audit

5010. At the end of each fiscal year each county superintendent of schools shall provide for an audit of all funds under his jurisdiction and control and of the books and accounts of all school districts under his jurisdiction with an average daily attendance of less than 900 during the next preceding fiscal year, and the governing board of each district with an average daily attendance of 900 or more for the next preceding fiscal year shall either provide for an audit of the books and accounts of the district or may make arrangements with the county superintendent of schools having jurisdiction over the district to provide for such auditing.

Each audit shall include all funds of the district including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the district.

The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each district from district funds.

The cost of the audit provided for by a governing board shall be paid from district funds. The audit of the funds under the

jurisdiction and control of the county superintendent of schools shall be paid from the county school service fund.

The audits shall be made by a certified public accountant or a public accountant, licensed by the State Board of Accountancy. Not later than December 31st, a report of each audit for the preceding fiscal year shall be filed with the county clerk of the county in which the district is located, the Department of Education and the Department of Finance. The Superintendent of Public Instruction shall make any adjustments necessary in future apportionments of state funds, to correct any discrepancies revealed by such audit reports under the provisions of Section 7190 of this code.

If a governing board or county superintendent of schools fails or is unable to make arrangements for audit pursuant to this section, the Department of Finance may make arrangements for the audit and the cost of such audit shall be paid from school district funds or the county school service fund as the case may be.

The Department of Finance with the cooperation of the Department of Education shall prescribe the statements and other information to be included in the audit reports filed with the State. The Department of Finance may make such audits, surveys and reports, and may develop suggested procedures for carrying out the purposes of this section, as in the judgment of the department will serve the best interests of the State.

Nothing in this section shall be considered as authorizing examination into or report on the curriculum used or provided for in any school district. Limitation

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, to become operative July 1, 1953. A statement of the facts constituting such necessity is as follows: Urgency

Under the existing law provision is made for the audit of the books and accounts of school districts by Section 5009 of the Education Code, or, in lieu thereof, such audits as the Department of Finance deems sufficient to determine the validity of the allocation of state funds for school purposes. These audits are necessary in order to determine properly whether adjustments in future apportionments of state school funds to school districts for the support of the pupil schools are required. Under Section 31 of Chapter 1259 of the Statutes of 1951, the existing law providing for the audit of school district funds will remain in effect only until July 1, 1953. It is essential that provision be made for the audit of school funds and it is, therefore, necessary that this act take effect immediately.

CHAPTER 1029

An act to amend Section 1106 of the Fish and Game Code, relating to commercial fishing.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1106 of the Fish and Game Code is amended to read:

Description of vessel

1106. Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this State, or bringing fish into this State, or who, for profit, permits persons to fish therefrom, shall, in addition to paying the fee prescribed in this section file with the department, on a form to be provided by the department, a statement describing such vessel.

Registration certificate

Upon payment of a fee of ten dollars ($10) by the owner or operator of such vessel, the department shall issue a certificate of boat registration which is valid for the period April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. This certificate shall be carried aboard the vessel at all times posted in a conspicuous place.

Operative date. Fees

The fee provision of this section shall become effective April 1, 1954.

Exemption

The provisions of this section do not apply to any boat which is rented without an operator being furnished, unless such boat is powered with an inboard motor in which case a certificate of boat registration is required.

CHAPTER 1030

An act to amend Section 432.5 of the Fish and Game Code, relating to licenses.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 432.5 of the Fish and Game Code is amended to read:

Fishing boat permit

432.5. The owner of any boat or vessel who, for profit, permits persons to fish therefrom, shall procure a permit from the department. The provisions of this section apply only to boats or vessels which are accompanied when such boats are engaged in fishing by the owner or his employee or other representative.

The permit herein provided for shall be valid during the period April 1st to March 31st of the year following, or, if issued

after the beginning of such term, for the remainder thereof, and shall be issued to the holder of a certificate of registration as provided in Section 1106. The fee for the permit specified herein is three dollars ($3). Such permit shall be accounted for by the department in the same manner as sporting fishing licenses.

The holder of the permit provided for in this section must keep a true record in the English language of all fish taken and must comply with such regulations as the commission is hereby authorized to prescribe. Such records and the information contained therein shall be confidential and the records shall not be public records.

Any owner or person in control of such a vessel who operates the same without procuring the permit prescribed herein or who fails to keep the records or to comply with the regulations prescribed is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) or by imprisonment for not less than 10 days, or by both such fine and imprisonment.

The amendments to this section shall become effective April 1, 1954; provided further, that permits issued for the calendar year 1953 shall not expire until March 31, 1954. Operative date

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CHAPTER 1031

An act to add Sections 12224, 12300.2, 12301.1, 12307.1, and 12313 to, and to amend Sections 12002, 12205, and 12309 of, the Financial Code, and to add Article 13, comprising Section 1576, to Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, relating to licensees under the Check Sellers and Cashers Law.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 12224 is added to the Financial Code, to read:

12224. The bond required to be filed in accordance with Section 12223 shall remain in force and effect until the surety is released from liability in whole or in part by the commissioner, or until the bond is canceled or amended by the surety. The surety may cancel or amend the bond and be relieved in whole or in part of further liability on the bond by delivering 30 days' written notice to the commissioner. Such cancellation or amendment does not affect any liability incurred or accrued on the bond prior to the termination of the 30-day period. Bonds

SEC. 2 Section 12300.2 is added to said code, to read:

12300.2. Every person engaging in the business of a check seller or casher shall conduct such business under his true name unless he has complied with the provisions of Chapter 2, Title 10, Part 4, Division 3 of the Civil Code. Business name

SEC. 3. Section 12301.1 is added to said code, to read:

Notice of branch office

12301.1. A licensee within 15 days after establishing a branch office or agency shall notify the commissioner in writing and shall furnish the commissioner with the name and address of such branch office or agency and such other information as the commissioner may require. Within 15 days after the termination of a branch office or agency a licensee shall inform the commissioner of the name and address of the branch office or agency terminated.

SEC. 4. Section 12307.1 is added to said code, to read:

Prosecutions

12307.1. The commissioner may commence and prosecute actions and proceedings to enjoin violations of this division or violations of orders or decisions of the commissioner rendered pursuant to this division, and for the enforcement of any and all civil penalties provided for by this division.

SEC. 5. Section 12313 is added to said code, to read:

Disposition of unclaimed money

12313. Any unclaimed money from the sale of a check, draft, or money order in the possession or under the control of a licensee four years after the sale of such check, draft or money order shall be paid into the State Treasury, subject to the provisions of Title 10 of Part 3, of the Code of Civil Procedure. The provisions of this section shall not apply to any transaction occurring prior to January 1, 1953.

SEC. 6. Section 12002 of said code is amended to read:

"Check seller" or "casher"

12002. A check seller or casher is a person, who for compensation, engages in whole or in part in the business of selling or cashing checks, drafts, or money orders, or receiving money as agent of an obligor for the purpose of paying to a person other than the check seller or casher bills, invoices, or accounts of such obligor.

SEC. 7. Section 12205 of said code is amended to read:

Licensee's assets

12205. A licensee at all times shall maintain assets at least five thousand dollars ($5,000) in excess of his liabilities, including liquid assets at least five thousand dollars ($5,000) in excess of his liabilities on account of moneys received in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts. The commissioner may determine by general rule what assets are liquid assets within the meaning of this section and may determine by specific ruling or demand that a particular asset is or is not a liquid asset within the meaning of this section.

SEC. 8. Section 12309 of said code is amended to read:

Licensee's fees

12309. A schedule of the fees charged by a licensee shall be posted in a conspicuous place in its place of business. A licensee shall not charge fees in excess of the posted fees.

SEC. 9. Article 13, comprising Section 1576, is added to Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, to read:

Article 13. Unclaimed Property Held by Check Sellers and Cashers

Unclaimed money, etc.

1576. Notwithstanding any other provisions of law, all unclaimed money or other property paid or delivered to the Treas-

urer or Controller under the provisions of Division 3 of the Financial Code shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of, as provided in this title.

CHAPTER 1032

An act to amend Section 2786 of the Business and Professions Code, relating to nursing education.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2786 of the Business and Professions Code is amended to read:

"Accredited school of nursing"

2786. An accredited school of nursing is one which has been approved by the board, gives the course of instruction in nursing required by the board, covering not less than 36 months, and is affiliated or conducted in connection with one or more hospitals; provided, however, that educational institutions of collegiate rank such as junior colleges, colleges, and universities may conduct accredited schools of nursing wherein credit may be given for prenursing courses received at educational institutions other than the school of nursing, and such credit so given by the collegiate institution shall be recognized and credited by the board as a partial fulfillment of the 36-months course of study; and provided further, that all accredited schools of nursing may give credit for required nursing subjects or their equivalent which have been taken at educational institutions of collegiate rank such as junior colleges, colleges, and universities, and credit so given shall be recognized and credited by the board as a partial fulfillment of the 36-months course of study.

CHAPTER 1033

An act to amend Sections 7625, 7626, 7628, 7649, 7666, 7668, 7686.5, 7725 and 7726 of, and to add Sections 7626.5 and 7647.5 to, the Business and Professions Code, relating to the licensing of funeral establishments, the licensing of funeral directors and embalmers, and the registering of apprentice embalmers.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7625 of the Business and Professions Code is amended to read:

Funeral establishments

7625. Upon receipt of an application for a license, the board shall cause an investigation to be made of the physical status or plans and specifications of the proposed funeral establishment, the character of the applicant, including its officers or members and, if the application is by or in behalf of a partnership, association, corporation or other organization, the character of its officers or members and of the other qualifications required of the applicant under this chapter, and for this purpose may subpena witnesses, administer oaths, and take testimony.

The board shall grant a license if it finds that the applicant is of good character, and that the proposed funeral establishment is or will be constructed and equipped as required by this chapter and that the applicant is qualified in all other respects as required by this chapter.

SEC. 2. Section 7626 of the Business and Professions Code is amended to read:

Examination of applicant

7626. The board may examine and pass upon the qualifications of the applicant as to character, ability and experience before passing upon the physical status or plans and specifications of the proposed funeral establishment.

SEC. 3. Section 7626.5 is added to said code, to read:

Procedure

7626.5. Where a hearing is held to determine whether an application for a license should be granted, the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all of the powers granted therein.

SEC. 4. Section 7628 of the Business and Professions Code is amended to read:

Change of location

7628. Any funeral director desiring to change his place of business shall apply therefor on forms furnished by the board and be accompanied by a fee fixed by this chapter.

The application shall be granted by the executive secretary upon the filing with the board of a favorable report, approved by the executive secretary, from a board member or inspector concerning the physical status or plans and specifications of the proposed funeral establishment to the effect that it conforms to the requirements of this article. Every application so granted shall be submitted for approval at the next meeting of the board after the issuance thereof and no application for change of place of business shall become permanent until approved by the board.

SEC. 5. Section 7647.5 is added to said code, to read:

Procedure

7647.5. Where a hearing is held to determine whether an application for a license should be granted, the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all of the powers granted therein.

SEC. 6. Section 7649 of the Business and Professions Code is amended to read:

Embalmer's signature

7649 Except as provided in Section 10375 of the Health and Safety Code, whenever the name of any licensed embalmer is subscribed to any certificate, the purport of which is that he

has performed any act mentioned in the certificate, the licensed embalmer shall actually sign his name thereto.

SEC. 7. Section 7666 of said code is amended to read:

7666. Term of Apprenticeship. (a) Shall be two years except as provided in Section 7643 of this code; provided, however, that if an apprentice after having served his apprenticeship fails to pass the examination for an embalmer's license he may register for one additional term of apprenticeship, which shall be the maximum apprenticeship permitted.

Term of apprenticeship

(b) May be served before, after, or divided by the embalming college course at the option of the apprentice; provided, however, that the term of apprenticeship must be completed within five (5) years after an applicant for embalmer's license shall have successfully passed the examination required in Section 7646 of this code; and provided further, that if the term of apprenticeship is not completed within the five (5) year period, the board may require that the applicant serve such additional term of apprenticeship, not to exceed two (2) years, and pass such additional examination on the subjects listed in Section 7646 of this code as the board considers necessary.

(c) A student attending an embalming college may register as an apprentice during his college term but shall receive no credit for such apprenticeship on the term required by this code.

(d) An apprentice while serving his required term of apprenticeship shall be a full-time employee in the funeral establishment wherein he is employed.

SEC. 8. Section 7668 of the Business and Professions Code is amended to read:

7668. The board may suspend or revoke a certificate of apprenticeship, after notice and upon complaint and hearing in accordance with the provisions of Article 6, where the apprentice is guilty of any of the following acts or omissions.

Suspension, etc., of apprenticeship certificate

(a) Failure to devote full-time employment to the duties of his apprenticeship.

(b) Failure to make any report required by law to the board.

(c) Absence from duty except as provided in this code.

(d) Gross immorality.

(e) Being on duty as an apprentice while under the influence of liquor.

(f) Disobedience of proper orders or instructions of his superior.

(g) Violation of any provision of this chapter or any rule or regulation of the board.

(h) Soliciting business for a funeral director or for an embalmer in violation of this chapter.

(i) Fraud or misrepresentation in obtaining a certificate of registration as an apprentice.

SEC. 9. Section 7686.5 of the Business and Professions Code is amended to read:

7686.5. All accusations against licensees shall be filed with the board within one year after the performance of the act or omission alleged as the ground for disciplinary action.

Filing of accusations

SEC. 10. Section 7725 of the Business and Professions Code is amended to read:

Annual renewal fee

7725. Every licensed funeral director, every licensed embalmer and every registered apprentice, shall pay an annual fee for the renewal of his or its license to the department.

The board shall mail on or before the tenth day of December of each year to each licensed funeral director, each licensed embalmer and each registered apprentice, addressed to him at his last known address, a notice that a renewal fee is due and payable.

If a licensee or registrant fails to renew his license or certificate on or before January 31st, it shall expire automatically and may thereafter be renewed only upon application therefor in such form as the board may prescribe and payment of the renewal fee and penalty fee prescribed by this chapter for each year or part thereof since its expiration, except that the total of such fees shall not exceed twenty-five dollars ($25). In no case may the penalty fee be waived.

If the license or certificate is not renewed within one year following its expiration, the board may require as a condition of renewal that the delinquent licensee pass an examination on the appropriate subjects prescribed by this chapter.

Upon the receipt of the fees, the department shall cause the renewal certificate to be issued.

SEC. 11. Section 7726 of said code is amended to read:

Reinstatement

7726. When a funeral director or embalmer has had his or its license suspended, canceled, or revoked by the board, the board, upon written application by the licensee affected, upon not less than 10 days' notice to all parties of record in the particular case and after hearing all evidence offered in support of and in opposition to such application, may, in its discretion, and upon such terms as it may deem just reinstate the applicant; provided, the application, in case of lapse, is accompanied by all fees and penalties, the total of which fees and penalties shall not exceed twenty-five dollars ($25), from the time of the lapse to the date of reinstatement. On or before December 10th of each year the board shall mail to each licensee and each registrant, addressed to him at his last known address, a notice advising him of the provisions of Section 7725.

CHAPTER 1034

An act to amend Sections 2393 and 2429 of the Business and Professions Code, relating to the healing arts.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2393 of the Business and Professions Code is amended to read:

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice or in any advertisement or announcement of his practice, or in any public announcement of his practice, constitutes unprofessional conduct within the meaning of this chapter. Holders of physician's and surgeon's certificates and holders of certificates to practice chiropody issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of chiropodists, respectively; provided, that after September 30, 1953, no such partnership or group shall be formed or organized under any name except a name that includes the surname of one or more members of the partnership or group followed by the words "Medical Group" or "Chiropodist Group" Use of fictitious, etc name

SEC. 2. Section 2429 of the Business and Professions Code is amended to read:

2429. Any person is guilty of a misdemeanor who, individually or in a representative or any other capacity, practices or attempts to practice any system or treatment of the sick or afflicted under a false or assumed name or under any name other than that prescribed by the board on its certificate issued to such person authorizing him to administer such treatment. Persons holding certificates under this chapter, who practice in partnerships or groups, may use any partnership or group name permitted by Section 2393 of this chapter. Misdemeanor

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CHAPTER 1035

An act to amend Section 1384.6 of the Fish and Game Code relating to imported game birds.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1384.6 of the Fish and Game Code is amended to read:

1384.6. Notwithstanding the provisions of Section 1383, the carcasses or parts thereof of domesticated game birds which have been raised outside of this State may be imported into this State, transported, sold or possessed. Authority

Common carriers may receive and transport such carcasses or parts thereof at any time. A label shall be affixed to every package containing such carcasses or parts thereof with the following data plainly written or printed thereon: names and addresses of the consignor and consignee, the number and kinds of carcasses or parts thereof, and that said contents are carcasses or parts thereof of domesticated game birds. Labels

CHAPTER 1036

An act to amend Section 14030 of the Government Code, relating to the Division of Architecture Revolving Fund, declaring the urgency thereof and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 14030 of the Government Code is amended to read:

Division of Architecture Revolving Fund

14030. The Division of Architecture Revolving Fund in the State Treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the Division of Architecture, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, and other building and improvement projects, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Architecture, when approved by the Department of Finance.

Money in the fund also may be used, upon approval of the Department of Finance, to finance the cost of any construction projects within the powers and duties of the Division of Architecture for which the Federal Government will contribute a partial cost thereof; provided, written evidence has been received from a federal agency that money has been appropriated by Congress and the Federal Government will pay to the State the amount specified upon the completion of construction of the project. The Director of Public Works may approve plans, specifications and estimates of cost, and advertise for and receive bids on such projects in anticipation of the receipt of such evidence.

Money so transferred or deposited is available for expenditure by the Division of Architecture for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

No money in such fund which is derived from an appropriation from the General Fund shall be used to pay the charges imposed by Sections 18750, 11044 or 20752 of the Government Code or the charges imposed pursuant to Articles 2 or 3 of Chapter 3, Part 1, Division 3, Title 2 of said code.

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 Article IV of

the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Federal funds are available for allocation to the State to partially finance the construction of armories and the amendments made by this act are necessary to permit the State to avail itself of such money. With such funds certain armories which are necessary for national defense and the training of military forces may be constructed. In order to proceed with the construction at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 1037

An act to amend Sections 7053 and 7355, and to repeal Sections 7303, 7350, 7351, 7352, 7353 and 7354 of the Health and Safety Code, relating to dead bodies.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7053 of the Health and Safety Code is amended to read:

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, or fails to release any human remains forthwith upon the delivery of authorization for such release signed by the next of kin or by any person entitled to the custody of such remains, is guilty of a misdemeanor.

Misdemeanor

SEC. 2. Section 7355 of said code is amended to read:

7355. The bodies of persons who have died from any cause shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer and placed in a sound casket and enclosed in a transportation case.

Transport by common carrier

SEC. 3. Sections 7303, 7350, 7351, 7352, 7353 and 7354 of said code are repealed.

Repeal

CHAPTER 1038

An act to amend Section 1148.26 of the Agricultural Code, relating to the grading of nursery stock.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1148.26 of the Agricultural Code is amended to read;

Quality

1148.26. All nursery stock required to be graded as herein provided should be living stock and shall not be dead, or in a dying condition, and shall not be seriously broken, frozen or damaged, and shall not be abnormally potbound. Any person authorized to make inspection of shipments of nursery stock may reject any and all stock found to be dead or in dying condition, seriously broken, frozen, or damaged.

Grades

The designations "X" or "No. 2" for heavy, "XX" for very heavy, "XXX" or "No. 1" for very heavy and perfect specimens may be used in addition to other required statements on labels attached to nursery stock, and if so used on any label then the nursery stock to which such label is attached shall meet the specification for each such grade designation which the director shall ascertain to be in recognized usage among nurserymen who grow or deal in such kind of nursery stock.

CHAPTER 1039

An act to amend Section 816.5 of the Public Utilities Code, relating to the purchase of motor vehicle equipment by highway common carriers, petroleum irregular route carriers, or passenger stage corporations.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 816.5 of the Public Utilities Code is amended to read:

Execution of conditional sales contracts

816.5. Nothing contained in this article shall be construed to require a highway common carrier, a petroleum irregular route carrier or passenger stage corporation to secure from the commission authority to execute any conditional sales contract for the purchase of motor vehicle equipment or any note and chattel mortgage on motor vehicle equipment securing the payment of all or any part of the purchase price of such motor vehicle equipment.

CHAPTER 1040

An act to amend Section 13583 of the Education Code, relating to the dismissal of probationary certificated employees.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 13583 of the Education Code is amended to read:

13583. Anything in Section 13582 to the contrary notwithstanding, governing boards of school districts having an average daily attendance of 60,000 or more pupils shall dismiss probationary employees for cause only. The determination of the board as to the sufficiency of the cause for dismissal shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof. Dismissal of probationary employees

In case a hearing is requested by the employee the proceeding shall be conducted in accordance with Chapter 5 of Part 1, of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency in said Chapter 5, except that the respondent shall file his notice of defense, if any, within five days after service upon him of accusation and he shall be notified of such five-day period for filing in the accusation. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds.

The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

CHAPTER 1041

An act to amend Section 12412 of, and to add Section 12404.5 to, the Insurance Code, relating to the personal or controlled insurance and specifying what constitutes an unlawful rebate.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Insurance Code, to be numbered 12404.5, reading as follows:

12404.5. As used in this section "personal or controlled insurance" means a policy of title insurance, or insurance as to the identity, due execution and validity of any note or bond secured by mortgage, or the identity, due execution, validity and recording of any such mortgage, or any other service afforded by title insurers the fee or charge for which is required to be posted by this article, where the insured or one of the insured under such policy is, or the loss thereunder is payable to, an underwritten title company, a controlled escrow company, or an issuing agent, or "Personal or controlled insurance"

(a) If such underwritten or controlled company or issuing agent is a natural person: (1) his spouse, his employer or his employer's spouse, or (2) any person related to him or the persons mentioned in (1) of this paragraph within the second degree by blood or marriage, or (3) if his employer is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation, or (4) if his employer is a partnership or associa-

tion, any person owning any interest in such partnership or association.

(b) If such underwritten or controlled company or issuing agent is a corporation: (1) any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation, or (2) any corporation which is directly or indirectly controlled by a person who also controls the underwritten title company, controlled escrow company, or issuing agent, as described in (1), or (3) any corporation making consolidated returns for United States income tax purposes with any corporation described in (1) or (2) of this paragraph.

If the fees and charges for personal or controlled insurance so issued in any one calendar year received by an underwritten title company, a controlled escrow company or an issuing agent exceed the fees and charges received for other title insurance issued at the instance or request of such underwritten title company, controlled escrow company or issuing agent in the same year, the excess is an unlawful rebate. Violation of this section by a title insurer shall not be subject to the penalty provided for in Section 12409.

SEC. 2. Section 12412 of said code is hereby amended to read:

Division of fees

12412. Nothing in this article prohibits the division of fees or charges between two or more title insurers or between one or more title insurers or between one or more title insurers and one or more underwritten title companies, if such division does not constitute an unlawful rebate as defined by Section 12404.5; provided, that a title insurer shall specify on any title policy issued by it, either in a single amount or by itemization, the entire charge made to obtain such title policy, including the charges made by any underwritten title company for the title search, title examination, certificate or abstract of title upon the basis of which such title policy is issued. If so specified in a single amount, such charge shall be clearly described as the total charge for both the title insurance fee and the title search or examination, or the certificate or abstract of title, as the case may be, of any underwritten title company.

CHAPTER 1042

An act to add Section 664.5 to, and amend Section 5900 of, the Elections Code, relating to absentee voting on United States owned or controlled property.

In effect September 9 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 664.5 is added to the Elections Code, to read:

664.5. Whenever a precinct is entirely owned or controlled by the United States, and no permission is granted by the federal authorities for the setting up of precinct boards and polling places, then precinct boards need not be appointed nor polling places designated, but in lieu thereof the clerk shall, not less than 20 days prior to election day, furnish an application blank for an absentee ballot to each voter qualified to vote at the election, together with a statement that there will be no polling place within such precinct, and if the voter desires to vote at the election he shall apply for an absentee ballot not less than five days before the election. Absentee voting on U. S. property

The order of the election board, or publications required by this code, shall state that in such precincts where no precinct boards are appointed nor polling places designated the qualified voters of such precincts shall vote by absentee ballots.

SEC. 2. Section 5900 of said code is amended to read:

5900. Any voter who expects to be absent from his election precinct, or who will be unable to vote therein by reason of physical disability, or a registered voter residing within a precinct which is owned or controlled by the United States on the day on which any election is held may cast a ballot upon complying with the provisions of this chapter. Eligibility

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CHAPTER 1043

An act to amend Sections 7921 and 7961 of the Elections Code, relating to canvass of returns.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7921 of the Elections Code is amended to read:

7921. The election board of each county shall meet, at its usual place of meeting, on the first Monday after each election. If, at the time of the meeting, the returns from each precinct in the county in which polls were opened have been received, it shall then and there canvass the returns. Canvass of returns. Election board

In any county having a registrar of voters, the canvass of the returns shall be made by the registrar of voters and in any county or city and county, the election board may by resolution duly adopted prior to the date of election, order the canvass to be made by the county clerk. When the canvass is thus made, it shall be unnecessary for the election board to meet as hereinabove provided, and the registrar of voters or county clerk shall perform the duties of the election board or board of supervisors as provided in this article.

SEC. 2. Section 7961 of said code is amended to read:

7961. The board of supervisors of each county, or in the case of a city or municipal primary election, the officers charged Board of supervisors

by law with the duty of canvassing the vote therein, shall meet to canvass the returns at the usual place of meeting, or at any other place permitted by law, at 1 o'clock in the afternoon of the first Thursday after each primary election, or as soon thereafter as all the returns are in.

In any county having a registrar of voters, the canvass of the returns shall be made by the registrar of voters, and in any county or city and county, the election board may by resolution duly adopted prior to the date of election order the canvass to be made by the county clerk. When the canvass is thus made, it shall be unnecessary for the election board or board of supervisors to meet as hereinabove provided. The registrar of voters shall perform the duties of the election board or board of supervisors as provided in this article.

CHAPTER 1044

An act to amend Section 4502 of the Elections Code, relating to election expenditures.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 4502 of the Elections Code is amended to read:

Lawful expenses

4502. Lawful expenses are expenses for the following purposes only:

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.

(b) For the candidate's and campaign personnel's personal traveling expenses

(c) For rent, furnishing and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone.

(d) For payment of personnel:

1. Campaign manager or managers.
2. Advertising agency or agencies and publicity agent or agents.
3. Stenographers and clerks.
4. Precinct workers.
5. Speakers.
6. Entertainers.

(e) For the preparing, printing, and posting of billboards, signs and posters.

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.

(g) For newspaper advertising.

(h) For radio and television advertising and speech time

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.

(j) For making canvasses of voters, and public opinion surveys.

(k) For conveying infirm or disabled voters to and from the polls.

(*l*) For supervising the registration of voters.

(m) For watching the polling and counting of votes cast.

(n) For photographs, mats, cuts, art work, and displays.

(o) For petty cash items relative to candidacy.

CHAPTER 1045

An act to add Section 2316 6 to the Business and Professions Code, relating to the practice of the healing arts.

[Approved by Governor June 5, 1953 Filed with Secretary of State June 5, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2316.6 is added to the Business and Professions Code, to read:

Physician's and surgeon's certificates

2316.6. The completion of any course of instruction or training prescribed by the provisions of this article complies with the requirements of this article if the school or schools in which such course or courses were completed has been approved by the board at the time the application is filed; provided, that the school or schools were approved by the board in 1949 or prior to that year, and the applicant qualifies under either of the following provisions:

(a) Served as a commissioned medical officer in the military or naval service of the United States on or after December 7, 1941, and before December 30, 1946, and received an honorable discharge therefrom or was released from active duty under honorable conditions and includes any person who served as a commissioned medical officer in the military or naval service of the United States on or after June 27, 1950, to a future date to be established by proclamation of the Governor and receives an honorable discharge therefrom or is released from active duty under honorable conditions

(b) Graduated from the school within a period of five years prior to the approval of the school by the board, and subsequently practiced the system or mode of treating the sick or afflicted for which he was licensed, and is admitted in another state to practice a system or mode of treating the sick or afflicted which would qualify for reciprocity under this article.

Applicants for physicians' and surgeons' certificates who apply under the provisions of this section shall be required to take an oral, practical and clinical examination in accordance with

the provisions of Sections 2323 and 2324, and shall successfully pass such examination in order to be eligible for a reciprocity certificate.

CHAPTER 1046

An act to add Chapter 3.5 to Division 8 of the Elections Code, relating to the marking of ballots.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 is added to Division 8 of the Elections Code, to read:

CHAPTER 3.5. MARKING OF BALLOTS

Operative date

5750. Notwithstanding any other provision of this code, the provisions of this chapter may be put into operation in each county and precinct in the State as soon as the election boards are able to acquire the equipment necessary to permit ballots at elections to be marked and counted as provided in this chapter.

Marking method General

5751. When and after this chapter becomes operative as to any election the marking of the ballots shall be done with a specially prepared pencil which will mark the ballot with a substance such that an electronic tabulator will register the vote. In lieu of the canvass at the polls the ballots shall be transmitted to a central canvassing place where the vote shall be counted and tabulated by electronically operated machines devised for the purpose.

Instructions

5752. When the provisions of this chapter become operative as to any election the provisions of this code relating to the marking of ballots with a rubber stamp and the provisions requiring that the voter shall be instructed to use such a stamp shall cease to be operative and the voter shall mark his ballot with the pencil provided for the purpose and shall be instructed by one of the precinct officers so to do.

Absent voters' ballots

5753. Notwithstanding any provision of this chapter, the provisions of this code relating to the marking of absent voters' ballots, as such provisions now exist or hereafter may be modified, shall continue to apply to the marking of absent voters' ballots.

Approval of pencils, etc

5754. All pencils and other equipment provided for in this chapter shall be approved by the State Commission on Voting Machines before they may be purchased or used.

CHAPTER 1047

An act to amend Section 8211 of the Government Code, relating to notaries public.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 8211 of the Government Code is amended to read:

8211. Fees. The fees of a notary public are:

Fees

(a) For drawing and copying every protest for the nonpayment of a promissory note or for the nonpayment or nonacceptance of a bill of exchange, draft, or check, two dollars ($2).

(b) For drawing and serving every notice of nonpayment of a promissory note or of nonpayment or nonacceptance of a bill of exchange, order, draft, or check, one dollar ($1).

(c) For recording every protest, one dollar ($1).

(d) For drawing an affidavit, or other paper for which provision is not made herein, ten cents ($0.10) for each folio.

(e) For all services rendered in connection with the taking of any deposition, the sum of five dollars ($5). In the event the notary public is required to be present during the taking of the deposition, or the deposition is read and corrected by the witness and certified to by the notary public, he is entitled, in lieu of the fee of five dollars ($5), to a fee equal to ten cents ($0.10) per each folio contained in the deposition, and in addition thereto, the sum of fifty cents ($0.50) for administering the oath to the witness and the sum of one dollar ($1) for the certificate to such deposition.

The fees herein provided for are exclusive of any fees for services rendered either by a notary public or another in connection with the reporting or transcription of depositions.

For his services transcribing a deposition the reporter shall receive from the party purchasing the original thirty-five cents ($0.35) per 100 words, and for each copy made at the same time ten cents ($0.10) per 100 words; from all other parties purchasing the same the reporter shall receive for each copy made at the same time as the original fifteen cents ($0.15) per 100 words for the first copy, and ten cents ($0.10) per 100 words for additional copies.

(f) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, for the first two signatures, one dollar ($1) each, and for each additional signature, fifty cents ($0.50).

(g) For administering an oath or affirmation, fifty cents ($0.50).

(h) For every certificate, to include writing the same, and the seal, one dollar ($1).

CHAPTER 1048

An act to add Section 1468.5 to the Fish and Game Code, relating to acquisition of property under the Wildlife Conservation Act of 1947.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 1468.5 is added to the Fish and Game Code, to read:

Acquisition of farm lands

1468.5. No farm lands may be acquired under the provisions of this chapter by proceedings in eminent domain except by specific authorization of the Legislature, notwithstanding any provision of Section 1468. Nothing in this section shall apply to any proceedings instituted prior to the effective date of this section nor to any such proceedings to acquire farm lands when the owner thereof has consented to, or requested the institution of, such proceedings.

CHAPTER 1049

An act to add Section 7440 to the Education Code, relating to the promoting of education.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7440 is added to the Education Code, to read:

School district bond brochures

7440. The issuing school district by action of its governing board may prepare, or have prepared, bond brochures to serve as a prospectus for bond buyers to assist in the satisfactory sale of the bonds, the expense of such brochures to be payable out of the funds of the district. Such brochures may be prepared only after the issuance of the bonds to be sold has been approved by the electors of the district pursuant to Article 1 of this chapter.

CHAPTER 1050

An act to amend Sections 2851 and 2855 of the Business and Professions Code, relating to vocational nurses.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2851 of the Business and Professions Code is amended to read:

2851. Four members of the board constitute a quorum for the transaction of business at any meeting. Quorum

SEC. 2. Section 2855 of said code is amended to read:

2855. Each member of the board shall be paid the sum of ten dollars ($10) per diem for each and every day actually spent in the discharge of official duties, and shall be further entitled to his actual travel and other necessary expenses incurred in the performance of his duties. Compensation

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CHAPTER 1051

An act to amend Section 2878 of and to add Sections 2878.5 and 2879 to the Business and Professions Code, relating to the practice of vocational nursing.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2878 of the Business and Professions Code is amended to read:

2878. The board may suspend or revoke a license issued under this chapter for any of the following: Suspension, revocation of license:

(a) Unprofessional conduct, which includes but is not limited to the following:

(1) Incompetence, or gross negligence in carrying out usual nursing functions.

(2) A conviction of practicing medicine without a license in violation of Chapter 5 of Division 2 of this code, in which event the record of conviction shall be conclusive evidence thereof.

(3) The use of advertising relating to nursing which violates Section 17500 of this code.

(b) Procuring a certificate by fraud, misrepresentation, or mistake;

(c) Procuring, or aiding, or abetting, or attempting, or agreeing, or offering to procure or assist at a criminal abortion;

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter;

(e) Making or giving any false statement or information in connection with the application for issuance of a license;

(f) Conviction of a felony or of any offense involving moral turpitude, in which event the record of the conviction shall be conclusive evidence thereof:

(g) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license;

(h) Impersonating another licensed vocational nurse or a registered nurse, or permitting or allowing another person to use his certificate for the purpose of nursing the sick or afflicted;

(i) Aiding or assisting, or agreeing to aid or assist any

person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13, Chapter 5, Division 2 of this code.

SEC. 2. Section 2878.5 is added to said code, to read:

Unprofessional conduct

2878.5. In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Prescribe for, or except as directed by a licensed physician and surgeon administer to himself, any narcotic as defined in Division 10 of the Health and Safety Code.

(b) Use any narcotic as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Division 22 of said code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself, any other person, or the public, or to the extent that such use impairs his ability to conduct with safety to the public the practice authorized by his license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

SEC 3. Section 2879 is added to said code, to read:

Insanity, etc

2879 The board shall suspend the license of any person licensed under this chapter who is so mentally ill as to be unable to carry on with safety to the public the practice authorized by his license In the event the person has been adjudged by a court of competent jurisdiction to be insane or mentally ill, the record of such adjudication shall be prima facie evidence that the person is mentally ill within the meaning of this section. The board shall not reinstate a license which has been suspended under this section except upon proof that the licensee has been restored to such mental condition as to be capable of carrying on with safety to the public the practice authorized by his license.

CHAPTER 1052

An act to amend Section 2866 of the Business and Professions Code, relating to vocational nurses.

In effect September 9, 1953

[Approved by Governor June 5, 1953 Filed with Secretary of State June 5, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 2866 of the Business and Professions Code is amended to read:

2866. An applicant for a licensed vocational nurse license shall comply with each of the following: License prerequisites

(a) Be at least 17 years of age.

(b) Be a citizen of the United States or have indicated intention to become a citizen of the United States. A statement under oath shall be sufficient proof of citizenship or intention to become a citizen.

(c) Have successfully completed at least an approved course of study through the tenth grade or the equivalent thereof as specified by the board; provided, that persons applying for a license prior to July 1, 1955, and who qualify for a license under Section 2873 of this code, shall be required to have such general educational qualifications as shall be deemed sufficient by the board.

(d) Have successfully completed the prescribed course of study in an accredited school of vocational nursing or have graduated from a school which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements for an accredited school of vocational nursing in this State.

(e) Have committed no act which, if committed by a licensee, would be a ground for disciplinary action.

CHAPTER 1053

An act to amend Section 2761 of, and to add Sections 2762, 2763, and 2764 to, the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2761 of the Business and Professions Code is amended to read:

2761. The board may take disciplinary action against a licensed nurse or an applicant for a license for: Disciplinary action

(a) Unprofessional conduct, which includes but is not limited to the following:

(1) Incompetence, or gross negligence in carrying out usual nursing functions.

(2) A conviction of practicing medicine without a license in violation of Chapter 5 of Division 2 of the Business and Professions Code, in which event the record of conviction shall be conclusive evidence thereof.

(3) The use of advertising relating to nursing which violates Section 17500 of this code.

(b) Procuring his certificate by fraud, misrepresentation, or mistake.

(c) Procuring, or aiding, or abetting, or attempting, or agreeing, or offering to procure or assist at a criminal abortion.

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.

(e) Making or giving any false statement or information in connection with the application for issuance of a license.

(f) Conviction of a felony or of any offense involving moral turpitude, in which event the record of the conviction shall be conclusive evidence thereof.

(g) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license.

(h) Impersonating another licensed practitioner, or permitting or allowing another person to use his certificate for the purpose of nursing the sick or afflicted.

(i) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13, Chapter 5, Division 2 of this code.

SEC. 2. Section 2762 is added to said code, to read:

Unprofessional conduct

2762. In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Prescribe for, or except as directed by a licensed physician and surgeon administer to himself, any narcotic as defined in Division 10 of the Health and Safety Code.

(b) Use any narcotic as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Division 22 of said code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself, any other person, or the public or to the extent that such use impairs his ability to conduct with safety to the public the practice authorized by his license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement

SEC. 3. Section 2763 is added to said code, to read:

Insanity, etc

2763. The board shall suspend the license of any person licensed under this chapter who is so mentally ill as to be unable to carry on with safety to the public the practice authorized by his license In the event the person has been adjudged by a court

of competent jurisdiction to be insane or mentally ill, the record of such adjudication shall be prima facie evidence that the person is mentally ill within the meaning of this section. The board shall not reinstate a license which has been suspended under this section except upon proof that the licensee has been restored to such mental condition as to be capable of carrying on with safety to the public the practice authorized by his license.

SEC. 4. Section 2764 is added to said code, to read:

Investigations, etc.

2764. The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

CHAPTER 1054

An act to amend Section 3450 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents in respect to the payment of aid, and furnishing of medical or hospital care following a change of residence.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 3450 of the Welfare and Institutions Code is amended to read:

Change of residence

3450. Any person qualified for and receiving aid under the provisions of this chapter in any county of the State, who removes to another county in the State, shall be entitled to aid under the provisions of this chapter upon the first day of the first month beginning after the date upon which he attained one year of residence in the county to which he has removed, unless the day upon which he attains one year of residence is the first day of the month in which event the transfer of costs shall take place upon this day, and such removal shall not work a forfeiture during such one-year period of the aid previously awarded under this chapter.

For the purposes of this section, it is presumed that the period of time for the acquisition of one year's residence in the county to which the person has removed, shall start to run upon the date of removal from the county in which he has previously acquired residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the recipient. The county to which such person has removed shall provide the necessary medical or hospital care, or both, during the one-year period of establishment of residence under this section.

Any blind person who leaves his county for the purpose of attending an institution of learning located in the State shall be deemed, for the purposes of this chapter, not to have moved from his county.

If a recipient returns to the county granting aid to him, after an absence of less than one year, he shall not be deemed to have lost his residence therein.

CHAPTER 1055

An act to add Section 2553.1 to the Business and Professions Code, relating to dispensing opticians.

In effect September 9, 1953

[Approved by Governor June 5, 1953. Filed with Secretary of State June 5, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2553.1 is added to the Business and Professions Code, to read:

Licensing

2553.1. Any person who has had five years' experience and has been licensed for such period as a dispensing optician in another state shall be granted a certificate to engage in the business of a dispensing optician in this State upon filing an application in due form and filing an affidavit from three physicians and surgeons licensed by the Board of Medical Examiners who specialize in treatment of the eye, stating and certifying according to their own knowledge that the applicant is of good moral character and that the applicant is fully competent and qualified to accurately fill prescriptions for ophthalmic lenses and kindred products and to take facial measurements and to fit and adjust lenses or frames.

CHAPTER 1056

An act to repeal Sections 30605, 30606, 30607, and 30608 of the Streets and Highways Code, to amend Section 100.7 thereof, and to add Sections 30605 and 30607 and Article 2 to Chapter 2 of Division 17 of said code, relating to toll crossings of San Francisco Bay, including approaches thereto, and the expenses of maintaining, operating, and insuring such crossings, and providing for studies of an additional crossing.

In effect September 9, 1953

[Approved by Governor June 6, 1953. Filed with Secretary of State June 6, 1953.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Sections 30605, 30606, 30607 and 30608 of the Streets and Highways Code are repealed.

SEC. 1.5. Section 100.7 of said code is amended to read:

100.7. The department may, for the protection of the State of California, insure any bridge on the State Highway System acquired or constructed under provisions of the California Toll Bridge Authority Act against all risks in any amount up to the full insurable value thereof. In case of damage or destruction, the proceeds of such insurance shall be applied to the restoration of such bridge. Any such bridge may be so insured irrespective of the retirement of all indebtedness incurred for its acquisition or construction, and the cost of such insurance shall be paid from any funds available to the department for highway purposes. Bridge insurance

Any such bridge, other than bridges over the San Francisco Bay, shall, after retirement of all indebtedness incurred for its acquisition or construction, be maintained and operated as a free bridge and the cost thereof charged to funds available for maintenance of state highways. Free bridges

SEC. 2. Section 30605 is added to said code, to read:

30605. (a) The cost of operation and insurance of the toll bridge and any additional highway crossing of San Francisco Bay constructed between the County of Alameda and the City and County of San Francisco shall be paid by the department from the tolls and revenues received from the use and operation of the toll bridge and additional highway crossing. The cost of operation and insurance of any toll bridge or other highway crossing upon which tolls are now being collected or that may hereafter be acquired or constructed over the San Francisco Bay shall be paid by the department from the tolls and revenues received from the use and operation thereof. Operation and insurance costs

(b) The cost of maintenance (exclusive of the approaches) of the toll bridge and any additional highway crossing of San Francisco Bay constructed between the County of Alameda and the City and County of San Francisco shall be paid by the department from the tolls and revenues received from the use and operation of the toll bridge and additional highway crossing, and the cost of maintenance (exclusive of the approaches) of any toll bridge or other highway crossing on which tolls are now being collected or that may hereafter be acquired or constructed over the San Francisco Bay, shall be paid by the department from the tolls and revenues received from the use and operation thereof, except as follows: Maintenance costs

If the terms and conditions of any bonds that are outstanding on the effective date of this section and that are payable from such tolls are such as to require that the cost of physical maintenance of the toll bridge shall be paid from sources other than tolls and revenues from the use and operation of the toll bridge, the cost of such maintenance shall be paid by the department from money accruing and to accrue in the State Highway Fund available for the widening, resurfacing, and reconstruction of state highways for the group of counties designated as Group No. 1 in Section 187 until such bonds are refunded or retired or until payment of the cost of maintenance out of tolls and

revenues from the toll bridge is authorized in the manner provided in the proceedings authorizing the issuance of such bonds. The State Highway Fund shall be reimbursed by the authority for all amounts so expended with interest thereon at the rate of one and one-half percent ($1\frac{1}{2}\%$) per annum to be computed on the total amount expended during any one year.

Whenever after the effective date of this section any bonds secured by pledge of the tolls and revenues of the toll bridge are refunded or retired, in the total then outstanding, the authority shall include in the proceedings for any new issue of bonds for such purpose bonds in a sufficient amount to repay to the State Highway Fund the amount provided by this section. If the amount is not repaid from the proceeds from the sale of bonds and all revenue bonds secured by revenues on the toll bridge are fully retired, and all other obligations secured by revenues of the toll bridge, whether by means of bond issue or other provisions of law have been fully paid, then such repayment shall be made from the tolls and revenues of the toll bridge, and the authority and the department shall fix and collect tolls on the toll bridge at a rate sufficient to include provision for such repayment until the amount required to be paid into the State Highway Fund by this section has been paid thereto.

The moneys required to be repaid by this section shall be credited to the money available for construction of state highways in County Group No. 1 as specified in Section 187.

SEC. 3. Section 30607 is added to said code, to read:

State Highway Fund Reimbursement

30607. There shall be repaid into the State Highway Fund the total amount expended therefrom prior to the effective date of this section for maintenance, operation, and insurance of the toll bridge, which amount shall be determined by the department and the authority.

Whenever, after the effective date of this section, any bonds secured by a pledge of the tolls and revenues of the toll bridge are refunded or retired, in the total then outstanding, the California Toll Bridge Authority shall include in the proceedings for any new issue of bonds for such purpose bonds in an amount fully sufficient to repay to the State Highway Fund the amount provided by this section.

If the amount provided to be repaid to the State Highway Fund by this section is not repaid from the proceeds of the sale of bonds, then, after all revenue bonds issued and sold by the California Toll Bridge Authority in the sum of twenty-one million dollars ($21,000,000) and designated as "San Francisco-Oakland Bay Bridge 1951 Refunding and Improvement Toll Bridge Revenue Bonds, Series A" have been fully redeemed and paid, the authority and the department shall fix and collect tolls on the toll bridge at a rate sufficient to include provision for such repayment until the amount required to be paid into the State Highway Fund by this section has been collected to make such payment.

The moneys required to be repaid by this section shall be credited to the money available for construction of state highways in County Group No 1 as specified in Section 187.

SEC. 5. Article 2 is added to Chapter 2 of Division 17 of said code, to read:

Article 2. Southern Bay Crossing

30651. (a) As used in this article, "toll bridge" means that certain bridge across San Francisco Bay known as the San Francisco-Oakland Bay Bridge and the approaches thereto. "Toll bridge"

(b) As used in this article, "southern crossing" means an additional toll bridge or other highway crossing, as provided by this article and by Chapter 1 of this division, across San Francisco Bay from the City and County of San Francisco to the County of Alameda, and including the approaches thereto. "Southern crossing"

30652. As soon after the effective date of this section as it may lawfully do so under federal law, the California Toll Bridge Authority shall issue bonds in a sufficient amount to pay or provide for the payment of engineering studies, plans, and specifications of an additional bridge or other highway crossing across San Francisco Bay to relieve congestion of traffic on the toll bridge and to reimburse the State for such engineering expenses as have theretofore been incurred by it for that purpose, which additional bridge or other highway crossing is designated the southern crossing. From the proceeds of the sale of such bonds there shall be made available to the department the sum of one million five hundred thousand dollars ($1,500,000), or so much thereof as may be necessary, for the purpose of bringing the surveys and plans for the southern crossing to the same state of completion as those heretofore made for a northern crossing or crossing parallel to the San Francisco-Oakland Bay Bridge. Bonds

30653. (a) The authority and the department shall apply promptly to the appropriate officials of the Federal Government for permission to construct a southern crossing having its westerly terminus in the vicinity of Army and Third Streets in the City and County of San Francisco and its easterly terminus on Bay Farm Island, and shall obtain the necessary permits therefor as promptly as feasible. Permission to construct

(b) If permission to construct the southern crossing at the location specified in subdivision (a) of this section cannot be obtained, the authority and the department shall forthwith determine the most feasible location of the southern crossing and type of construction thereof, located southerly from the toll bridge and having its westerly terminus between the southern city limits and Army Street in the City and County of San Francisco and its easterly terminus on Bay Farm Island, and shall promptly confer with the appropriate officials of the Federal Government from whom permits must be obtained for the construction of such bridge or other highway crossing and shall obtain such permits as promptly as feasible.

Westerly approaches

30654. If the westerly terminus of the southern crossing is in the vicinity of Third and Army Streets, then the westerly approaches shall include:

(a) A freeway connection with Bayshore Freeway in the vicinity of 26th Street, with on-and-off ramps in both directions on Bayshore Freeway, together with connections to city streets in that location, and

(b) A freeway connection between Army Street and the Embarcadero Freeway in the vicinity of Mission Street with connections to city streets at Army Street, 23d Street, 19th Street, Main and Harrison Streets, Spear and Harrison Streets, Howard and Mission Streets on the Embarcadero, Fourth and Brannon Streets, and a high level bridge 135 feet above China Basin.

Easterly approaches

If the easterly terminus of the southern crossing is on Bay Farm Island at or in the vicinity of a point on the southwesterly shore thereof south of the intersection of Kilkenny Road and the county road connecting Bay Farm Island with the City of Alameda, the easterly approaches shall include:

(a) A freeway crossing Bay Farm Island to the bridge connecting the island with the City of Alameda, with on-and-off ramps in both directions, connecting with Kilkenny Road and the county road extending southeasterly, and also with the highway along the northerly shore of Bay Farm Island.

(b) A freeway from a point on the Bay Farm Island Freeway to a point on the Eastshore Freeway, to be constructed southeasterly from the City of Alameda.

(c) A freeway along the southerly shore of the City of Alameda from Bay Farm Island Bridge to a southerly prolongation of Main Street, thence northerly along Main Street to a point near Atlantic Avenue, and thence to the Posey Tube connecting the City of Alameda and the City of Oakland and a parallel tube which shall be constructed as part of the approaches, with on-and-off ramps connecting the freeway with the southerly end of Webster Street in the City of Alameda, and with adequate on-and-off ramps connecting the freeway and tubes with the streets in the Cities of Oakland and Alameda.

The tube parallel to the Posey Tube connecting the City of Alameda with the City of Oakland at Webster Street, and the approaches to the parallel tubes shall be constructed immediately as soon as money is obtained that may be used therefor either through the sale of revenue bonds the proceeds of which may be used for such purpose or through the refinancing by the Reconstruction Finance Corporation or any other agency

Alternative provisions

30655. If the terminal points of the southern crossing differ substantially from those set forth in Section 30654, the authority and the department shall promptly determine appropriate approaches thereto as soon as its location and type of construction are determined to provide suitable connection with Bayshore Freeway and if necessary the construction of portions of such freeway and other connections to the main arterial routes in the City and County of San Francisco. It shall likewise deter-

mine appropriate approaches in Alameda County, including connections from the easterly terminus of such bridge or other crossing with the Eastshore Freeway at one or more points, and including an additional tube connecting the City of Alameda and the City of Oakland under the Oakland Estuary with suitable connections on each end of said tube. In connection with the location of the approaches to the bridge or other highway crossing to be constructed, the authority shall advise the governing bodies of the City and County of San Francisco, the County of Alameda, and all of the cities in the County of Alameda, as to the approaches it deems appropriate, and upon the request of any such governmental agencies shall hold public hearings concerning the location of said approaches before they are finally determined by the authority.

Commencing construction Removal of federal restrictions

30656. As soon as surveys, plans, specifications and estimates of cost are completed for the southern crossing and the approaches thereto and the project has qualified for immediate construction under any governmental restrictions then in effect, the authority shall undertake the financing and construction of the southern crossing and the approaches as promptly as possible and without unnecessary delay, except that no construction shall be commenced unless and until all restrictions in the federal law imposing limitations upon the right of the State of California or the authority to collect tolls upon the existing San Francisco-Oakland Bay Bridge for the purpose of constructing a southern crossing of San Francisco Bay, or approaches leading to such crossing, have been deleted. The construction of the southern crossing, however, shall precede construction of any other such crossing.

Intent

It is hereby declared to be the intent of the Legislature that the construction of the southern crossing shall be commenced as soon as the federal law is amended so as to permit the collection of tolls upon the existing Bay Bridge for the purpose of constructing a southern crossing; but that this section is not intended to indicate a legislative declaration in favor of amending the federal law to permit collection of the existing bridge's tolls for construction of only one additional crossing, but rather that the Legislature favors amending the federal law to permit collection of such tolls for construction of other crossings in addition to the southern crossing.

Financing

30657. The authority, to the extent that it finds it feasible to do so in connection with the financing of the southern crossing and the approaches thereto, shall include sufficient funds in any borrowing or issuance of bonds therefor to provide such amounts as will be necessary for the construction of the approaches mentioned in Section 30654 on each side of San Francisco Bay.

RFC loan

30658 The authority shall consider the possibility of financing through a loan from the Reconstruction Finance Corporation as well as the issuance of bonds under Chapter 1 of this division and shall adopt a method of financing deemed most desirable from the standpoint of interest costs, restrictions that

might be imposed by the Reconstruction Finance Corporation, or under any proposed bond indenture, to the end that the best facility designed to meet traffic needs will be constructed at the lowest possible cost. Such financing shall include the pledging of the revenues from the existing San Francisco-Oakland Bay Bridge as well as those of the southern crossing. The authority may exercise any power conferred under Chapter 1 of this division with reference to the borrowing of funds or the issuance of bonds to accomplish the improvements mentioned in this article, and may borrow funds or issue bonds to provide funds as needed to carry on the work.

Alternative provisions if bonds cannot be sold

SEC. 6. In the event that the California Toll Bridge Authority is unable to issue and sell bonds for surveys and plans for a southern crossing as provided by this act prior to March 31, 1954, the necessary funds for such survey and plans shall be made available from money accruing and to accrue in the State Highway Fund available for the widening, resurfacing, and reconstruction of state highways for the group of counties designated as Group No. 1 in Section 187. The sum of one million five hundred thousand dollars ($1,500,000), or so much thereof as may be necessary, will be appropriated from such portion of the fund for the purpose of bringing surveys and plans for a southern crossing of San Francisco Bay, as provided by Article 2 of Chapter 2 of Division 17 of the Streets and Highways Code, to the same state of completion as those made for a northern crossing or crossing parallel to the toll bridge known as the San Francisco-Oakland Bay Bridge, including necessary approaches, to be expended through and upon authorization of the Department of Public Works. The California Toll Bridge Authority shall return said appropriation, or so much thereof as may be used, with interest thereon at the rate of one and one-half percent (1½%) a year, to be computed on the total amount withdrawn during any one year, to the fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of such bridge or other highway 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 thereof, any money expended from this appropriation shall be returned to the State Highway Fund from the tolls of the existing San Francisco-Oakland Bay Bridge, but only after all revenue bonds issued and sold by the California Toll Bridge Authority and all other obligations payable from the tolls from said bridge have been fully redeemed and paid and all other obligations of the bridge have been fully satisfied, including repayment to the State Highway Fund of all moneys heretofore expended for maintenance, operation, and insurance of said bridge as provided in Section 30607 of the Streets and Highways Code. The California Toll Bridge Authority and the department shall fix and collect tolls on the toll bridge at a rate sufficient to include provision for such repayment until the amount required to be paid into the State Highway Fund by this

section has been paid thereto. The moneys required to be repaid by this section shall be credited to the money available for the construction of state highways in County Group No. 1 as specified in Section 187.

SEC. 7. Notwithstanding any other provision of this act nothing herein appropriates any money and no money may be expended pursuant to this act until appropriated by another act of the Legislature. Limitation on expenditures

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CHAPTER 1057

An act to amend Sections 640, 640.1, 643, 644, 644.1, 645, 646, 647, 648, 648.1, 666, 668, 670 and 671 of the Agricultural Code, relating to products which are substitutes for or imitations of dairy products.

[Approved by Governor June 5, 1953. Filed with Secretary of State June 8, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 640 of the Agricultural Code is amended to read:

640. The following manufactured substances, mixtures, and compounds with or without butter, milk or cream, are "oleomargarine" or "margarine": "Oleomargarine" "Margarine"

(a) All substances heretofore known as oleomargarine, margarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral.

(b) All mixtures and compounds containing any edible oils or fats other than milk fat, and all mixtures and compounds containing milk fat which do not conform to the standard for butter, when made in imitation or semblance of butter or when so made, intended to be sold as or for butter or butter substitute.

SEC. 2. Section 640.1 of said code is amended to read:

640.1. Colored oleomargarine or colored margarine is oleomargarine or margarine as defined in Section 640 having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in terms of the Lovibond tintometer scale or its equivalent. Colored oleomargarine Colored margarine

Except as otherwise provided, the provisions of this code relating to oleomargarine or margarine are likewise applicable to colored oleomargarine or colored margarine.

SEC. 3. Section 643 of said code is amended to read:

643. Each person who manufactures any oleomargarine or margarine or any substitute for butter or substitute for cheese, shall comply with the following: Labeling by manufacturer

One side of each tub, firkin, box, or other outer package in which oleomargarine, margarine, or substitute for butter or substitute for cheese is removed from the place where the same is produced or put up, as distinguished from the package in which the same shall be put up for sale or sold at retail, shall

have printed, stamped or stenciled thereon in a clear and durable manner, the words, "oleomargarine," or "margarine" or "substitute for butter" or "substitute for cheese," as the case may be, in plain roman letters of not less than 36 point type, as well as a statement, printed in plain roman type, of a size not smaller than pica, stating, the name and address of the manufacturer, or of the distributor.

The absence of the markings and the labelings specified in this section is a representation that the package does not contain oleomargarine or margarine, or a substitute for butter, or substitute for cheese.

SEC. 4. Section 644 of said code is amended to read:

Labeling mandatory

644. It is unlawful to sell any colored oleomargarine or colored margarine, oleomargarine or margarine, or any renovated butter, unless the same shall have printed upon the label of each and every package, or other container in which such renovated butter, or oleomargarine or margarine, or colored oleomargarine, or colored margarine shall be put up for sale or sold at retail, (1) the words "renovated butter," or the word "oleomargarine" or "margarine," as the case may be, in letters at least as large as any other type or lettering on such label; and the word "oleomargarine" or "margarine" shall be of a color in strong contrast to that of the container; (2) the name and address of the manufacturer or distributor and the net weight of the contents; and (3) a full and accurate statement of all the ingredients contained in such substance.

SEC. 5. Section 644.1 of said code is amended to read:

Retail sale

644.1. Colored oleomargarine or colored margarine may be sold at retail for consumption off the premises but shall not be sold except in a package or container containing one pound or less.

SEC. 6. Section 645 of said code is amended to read:

645. It is unlawful:

Possession of unlabeled oleomargarine, etc

(a) For any person knowingly to ship, or for any carrier for hire knowingly to receive for shipment any oleomargarine or margarine, substitute for butter or substitute for cheese, unless it is labeled in conformity with this chapter and shipped and receipted for in its true name, or unless the same is in transit between foreign states.

(b) For any person knowingly to possess or have under his control any oleomargarine or margarine, substitute for butter or substitute for cheese, except for actual consumption by himself or family, unless the same is labeled in conformity with this chapter.

SEC. 7. Section 646 of said code is amended to read:

Sale of oleomargarine, etc

646. No person shall sell or take orders for the future delivery of any oleomargarine or margarine, or any substance designed to be used as a substitute for butter or substitute for cheese, under the name of butter or cheese, or under the pretense that the same is butter or cheese.

SEC. 8. Section 647 of said code is amended to read:

647. No person shall in connection or association with the sale or advertisement of any oleomargarine or margarine or any substance designed to be used as a substitute for butter or as a substitute for cheese, represent or suggest by any means whatsoever that such substance is a dairy product, except that nothing herein contained shall prevent an accurate and full statement of all of the ingredients contained in such substance. Prohibited designations

SEC. 9. Section 648 of said code is amended to read:

648. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, lunch counter, or any other place where food or drink is served to the public, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine or margarine or any substitute for butter or substitute for cheese, unless there shall be displayed in a prominent place in each room therein where meals are served, a sign bearing the words: "oleomargarine served here" or "margarine served here" or "substitute for butter served here" or "substitute for cheese served here," as the case may be, in blackfaced letters of not less than four inches in height upon a white background. Use of oleomargarine Restaurants, etc

SEC. 10. Section 648.1 of said code is amended to read:

648.1. No colored oleomargarine or colored margarine shall be served to any patron in any restaurant or any other place where food is served to the public for consumption on the premises of sale. The presence of any colored oleomargarine or colored margarine in any such place shall be prima facie evidence of a violation of this section. Serving colored oleomargarine prohibited

SEC. 11. Section 666 of said code is amended to read:

666. It is unlawful, except as to oleomargarine or margarine sold, dealt in or furnished by a retail dealer, to engage in the business or occupation of manufacturing, selling, dealing in or furnishing, or to have in possession for any purpose other than for consumption in his own family, or for transportation in case of boats, railroads, or other carriers, or for the purpose of storage in the case of a warehouse or cold storage company, (a) imitation milk, (b) oleomargarine or margarine, colored oleomargarine or colored margarine, renovated butter or a substitute for butter, (c) imitation cheese or substitute for cheese, (d) imitation ice cream or imitation ice milk, or (e) imitation cream, without first having applied for and obtained a license so to do. To engage in any such business or occupation, other than that of a retail dealer in oleomargarine or margarine a person shall first apply each year to the director for a license, and upon payment of the license fee mentioned in Section 667 the director shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation, except that no license shall be required of a retail dealer in oleomargarine or margarine. Imitation milk products, etc License to handle

SEC. 12. Section 668 of said code is amended to read:

Definitions

668. As used in this article (a) Wholesale dealer means:

1. Any person who sells imitation milk in quantities of one full case or more at a time or in the same transaction;

2. Any person who sells oleomargarine, margarine, renovated butter, or any substitute for butter in quantities of 10 pounds or more at a time or in the same transaction;

3. Any person who sells imitation ice cream or imitation ice milk in quantities of two gallons or more at a time or in the same transaction.

(b) Retail dealer means all persons who sell any of the above mentioned products in smaller quantities than those necessary to constitute a seller a wholesale dealer.

SEC. 13. Section 670 of said code is amended to read:

Sales reports

670. Every person manufacturing, wholesaling or importing oleomargarine or margarine, or any substance designed as a substitute for or resembling butter, not made wholly from pure milk or cream, or any imitation milk products, shall keep a record, giving the quantity sold or purchased, the name and location of the seller and purchaser, the date, and the place to which it was shipped or delivered.

SEC. 14. Section 671 of said code is amended to read:

Transportation and storage reports

671. Every person engaged in the warehouse, cold storage or transportation business shall keep a correct record of all oleomargarine or margarine, renovated butter, substitute for butter, substitute for cheese or other imitation milk products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed, in case of warehouses and cold storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats, railroads, and other carriers

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CHAPTER 1058

An act to amend the Ventura County Flood Control Act by amending Section 7 thereof, relating to the power of the district to sue, by making a resolution of the board of directors prima facie evidence that the taking of any interest in real property is necessary, by giving the district clear power to sell water, and by giving the district the right to levy charges for the use of ground water in areas where the district spreads water; by amending Section 15 thereof to change the word "shall" to "may," and to clarify its meaning by removing the word "and" therefrom and by adding the words "general election precincts"; by amending Sections 18 and 19 thereof to allow bonds and the interest thereon to be repaid out of any funds of the district; by amending Section 24 thereof to allow major undertakings to be changed if further

or new information is discovered; and by amending Section 28 thereof to grant rights of way across the public lands of the State of California for water distribution and transfer channels.

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Ventura County Flood Control Act is amended to read:

Purposes

Sec. 7. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district.

Powers

Ventura County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, or otherwise, and to hold, use, enjoy and to lease or dispose of real or personal property of every kind within or without the district necessary or convenient to the full exercise of its powers.

5. To acquire, by purchase, lease, construction, or otherwise, or contract to acquire, lands, right of way, easements, privileges and property of every kind, whether real or personal, and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act.

6. To store water in surface or underground reservoirs within or outside of the district for the common benefit of a zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, same for any useful purpose to the district; to commence, maintain, intervene in and

compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district or wasteful use of water.

Same.

7. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district.

8. To have and 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 the same use by any district or other public corporation or agency or otherwise, and to condemn any existing works or improvements in 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 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 previous compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public uses.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate or interest in any real property which said board 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 any interest in land 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 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.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipe lines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, water works, franchises, concessions or rights; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Ventura County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer, sale or delivery to any such

Same

district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the Ventura County Flood Control District or any zone thereof, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

11. To incur indebtedness and to issue bonds in the manner herein provided.

12. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

13. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

SEC. 2. Section 15 of the Ventura County Flood Control Act is amended to read:

Work or improvements Bond issue

Sec. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, the said board may by resolution, passed by unanimous vote of the entire board, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be sub-

mitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said participating zones the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, which shall be not less than one-fortieth (1/40) of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said participating zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board of supervisors shall cause a map or maps to be prepared covering general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in said zone for six consecutive times if published in a daily newspaper of general circulation printed and published in said zone, or two times if published in a weekly newspaper of general circulation printed and published in said zone; the last publication of such ordinance must be at least

fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

SEC. 3. Section 18 of the Ventura County Flood Control Act is amended to read:

Bonds a lien on property

Sec. 18. Any bonds issued under the provisions of this act shall be a lien upon all but only the taxable property of the zone of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said zone or out of any other funds of the zone and all the taxable property in the zone shall be and remain liable to be taxed for such payments as hereinafter provided. No zone of said Ventura County Flood Control District, nor the property therein, shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness of any other zone.

SEC. 4. Section 19 of the Ventura County Flood Control Act is amended to read:

Tax levy

Sec. 19. The board of supervisors shall levy a tax or assessment each year upon all the taxable property in the zone of issuance sufficient to pay so much of the interest upon said bonds for that year and such portion of the principal thereof as is to become due before the time for making the next general tax levy which will not otherwise be paid out of other funds. Such tax shall be levied and collected in the zone of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Ventura County to the credit of the zone of issuance, 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 county treasurer of said Ventura County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 5. Section 24 of the Ventura County Flood Control Act is amended to read:

Improvements to conform with report, etc.

Sec. 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of con-

ditions in relation thereto, or by the discovery of further or new information, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SEC. 6. Section 28 of the Ventura County Flood Control Act is amended to read:

Rights of way

SEC. 28. There is hereby granted to Ventura County Flood Control District the right of way for the location, construction and maintenance of flood control channels, water distribution and transfer channels, ditches, waterways, conduits, canals, storm dikes, embankments and protective 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 district the board of supervisors 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 are 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 district a permit to use such right of way and lands.

CHAPTER 1059

An act to add Sections 55358, 55359, 55360, 55361, 55362, 55378, 55502.1, 55870, 55871, 55872, 55873, 55874, 55875, 55876 and Chapter 5, Part 5, Division 16 to, and to amend Section 55866 of, the Water Code, relating to county waterworks districts.

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 55502.1 is added to the Water Code, to read:

General unappropriated reserve

55502.1. Notwithstanding any other provisions of law, the board may establish and include in the annual budget for a district a general unappropriated reserve not to exceed 25 percent of the total appropriations contained in the budget, exclusive of all items for bond interest and redemption, the general unappropriated reserve, and the general reserve.

SEC. 2. Section 55358 is added to the Water Code, to read:

Reimbursing water main installer

55358. Whenever for any reason a water main is proposed to be installed in a district by someone other than the district itself, and to be thereafter dedicated to the district for public

use, and the board determines that it is necessary and convenient to the purposes of the district that the acceptance of said dedication be conditional upon said main having sufficient capacity to serve present or future service connections other than and in addition to those proposed by the installer to be served thereby, the board may by contract with the installer agree to reimburse and may reimburse the installer for installing such additional capacity, upon such terms as may be agreed upon.

SEC. 3. Section 55359 is added to the Water Code, to read:

Method of reimbursement

55359. The reimbursement contract may provide that the reimbursement will be made in periodic payments over an agreed period of time not to exceed five years, exclusively out of charges imposed upon and collected from persons, other than those proposed by the installer to be served by the main (which persons shall be specified in the contract), who thereafter connect to and receive water service from the additional capacity in said main.

SEC. 4. Section 55360 is added to the Water Code, to read:

Maximum reimbursement

55360. Under no circumstances shall the total amount of all reimbursement payments made or agreed to be made exceed the amount, specified in said contract, by which the cost of installation of said main is estimated to have been increased because of said additional capacity therein.

SEC. 5. Section 55361 is added to the Water Code, to read:

Service connection charge

55361. Whenever a district has contracted to reimburse an installer for the installation of additional capacity in a water main, it may impose and collect from any person, other than those persons designated in the contract as proposed by the installer to be served therefrom, who thereafter desires to connect to and receive water service from or through said main, a reasonable charge representing the proportionate share of the estimated cost of replacement or of original construction (whichever is greater) of said additional capacity which is fairly attributable to the requested service connection.

SEC. 6. Section 55362 is added to the Water Code, to read:

Charges paid into treasury

55362. All charges collected under Section 55361 shall be paid into the treasury of the district and treated in the same manner as other water revenues, except as otherwise provided in this chapter and the reimbursement contract.

SEC. 7. Section 55870 is added to the Water Code, to read:

Necessary proposed improvements

55870. If the board finds that the proposed improvements are necessary to provide adequate water or to properly serve the territory sought to be annexed, but will not be of district-wide benefit, the board may, in its resolution or ordinance granting the petition, and calling an election upon the proposition of adding new territory to the district order that the election shall be upon the joint proposition of adding new territory and of creating a zone consisting of such new territory for the purpose of fixing and collecting special rates or charges therein

for the use and supply of water, and applying the receipts therefrom to the cost and expense of the proposed improvements.

SEC. 8. Section 55871 is added to the Water Code, to read:

55871. In this event, the ordinance or resolution shall specify the maximum rate or charge permissible and the length of time during which such special rates or charges may be made. Rates and time

SEC. 9. Section 55872 is added to the Water Code, to read:

55872. The proposition to be voted upon in this event shall be: "Shall the territory described in the resolution of the board of _____ adopted on the _____ day of _____, 19____, be added to _____ County Waterworks District No. ____, and shall the annexed territory be created as a zone and special rates or charges for the use and supply of water, not to exceed _____, be fixed and collected in said zone for a period of time not to exceed _____, to pay the cost and expense of (describing generally the proposed improvement)?" Proposition form

SEC. 10. Section 55866 of the Water Code is amended to read:

55866. In every respect not in conflict with Sections 55864, 55865, 55870, 55871, and 55872, the provisions of this chapter shall govern the conduct of the annexation proceedings. Annexation proceedings

SEC. 11. Section 55873 is added to the Water Code, to read:

55873. If at the election a majority of the votes cast in the district then existing and a majority of the votes cast in the territory sought to be added are in favor of the proposition of adding new territory and of creating said zone, then the board shall enter an order to that effect upon its minutes, declaring the new territory added to the district. Territory added upon majority vote

SEC. 12. Section 55874 is added to the Water Code, to read:

55874. From and after the date of the order, the territory shall be deemed added to and shall form a part of the district subject to all the rights, privileges, powers and responsibilities set forth in this division and necessarily incident thereto, and the board may thereupon fix and collect special rates and charges as voted upon at the election, and proceed with the proposed improvement. Proceeding with proposed improvements

SEC. 13. Section 55875 is added to the Water Code, to read:

55875. The special rates and charges authorized to be fixed and collected within the annexed territory are in addition to such rates and charges as may be authorized by Section 55501. Special rates

SEC. 14. Section 55876 is added to the Water Code, to read:

55876. Nothing in this article is intended to or shall be construed to limit the authority of the board to establish and collect different rates or charges pursuant to Section 55501 in different parts of a district, based upon differences in costs, Declaration of intent

benefits, or other factors deemed by the board to be relevant thereto.

SEC. 15. Section 55378 is added to the Water Code, to read:

Disposal of unneeded property

55378. The board of supervisors of any county which employs a purchasing agent may authorize the purchasing agent to sell or dispose of any personal property of the district no longer needed for the uses of the district, pursuant to Section 25505 of the Government Code. Where such authorization is given, the provisions of Sections 55371, 55372, and 55373 shall not apply.

SEC. 16. Chapter 5 is added to Part 5 of Division 16 of the Water Code, to read:

CHAPTER 5. CONSOLIDATION

Hearing

55960. At any time after the establishment of two or more districts, the board of supervisors of said county may by resolution fix a time and place for hearing the matter of consolidation of any two or more of said districts, of which it is the governing body, whether or not they are contiguous.

Notice of hearing

55961. Notice of the hearing shall be published once a week for two successive weeks in a newspaper or newspapers, circulated in each of the districts proposed to be consolidated, and designated by the board as most likely to give notice to the inhabitants of the districts, and shall be posted in at least three public places within each of the districts, at least one week prior to the hearing.

Same Contents

55962. The notice shall be headed "Notice of the proposed consolidation of _____ County Waterworks District No. ____ and _____ County Waterworks District No. ____," stating the names of the districts proposed to be consolidated, and shall contain a statement of the time and place fixed by the board for hearing the matter, together with a statement that it is proposed to consolidate into one district all of the territory within the named districts.

Same: Mailing

55962.5. Not less than 10 days prior to the date of the hearing the clerk shall also cause a post card notice of the hearing containing the information described in Section 55962 to be mailed to each registered voter residing in the districts proposed to be consolidated as shown by the records of the county clerk or registrar of voters 60 days prior to the date of the hearing.

Objections

55963. At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board of supervisors shall hear any person objecting to the proposed consolidation.

Termination upon majority protest

55964. If 50 percent or more of the registered voters within any of the districts proposed to be consolidated file written objections against the proposed consolidation with the board of supervisors prior to the conclusion of the hearing, the proceedings shall terminate with respect to the district repre-

sented by said objections, but may proceed with respect to all other districts not so represented.

Order of consolidation

55965. At the conclusion of the hearing, the board may refuse to consolidate any of the districts, or it may order the consolidation of any or all of the districts proposed to be consolidated.

Required findings

55966. The board shall acquire jurisdiction to order a consolidation if at the conclusion of the hearing the board finds, with respect to each and all districts to be consolidated that (1) consolidated operation of the districts is feasible (2) water may be efficiently supplied to each of said districts through a common or interconnected system of waterworks facilities, (3) the proposed consolidation is economically sound, and (4) the proposed consolidation is in the public interest.

Resolution of consolidation

55967. If the board determines to consolidate any of the districts, it shall so declare by resolution stating the name by which the new consolidated district shall be known, and fixing the date upon which the consolidation shall be effective, subject to the provisions of Title 5, Division 2, Part 1, Chapter 8 of the Government Code.

Liabilities of consolidated district

55968. The entire district resulting from the consolidation of two or more districts shall be liable for all outstanding liabilities of the districts consolidated, including the principal of and interest on any outstanding bonds of any of the districts consolidated, except any bonds which may be chargeable exclusively to territory previously annexed to any of said districts, and except any bonds which are chargeable exclusively to any zone previously created within any of said districts. Principal and interest shall be paid from proceeds of taxes levied in accordance with this act upon the taxable property in the district created by the consolidation.

Zones or special taxing areas unaffected

55969. Consolidation of two or more districts shall not in any way affect the status or liabilities of any zones or special taxing areas consisting of annexed territory, previously created within any of the districts consolidated, and each and all of said zones and areas shall continue in existence for the purposes thereof as if the consolidation had not taken place.

Consolidation of employees

55970. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

CHAPTER 1060

An act to amend Sections 651, 666, 667, and 668 of the Agricultural Code, relating to imitation milk and imitation milk products.

In effect September 9, 1953

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 651 of the Agricultural Code is amended to read:

"Imitation milk product"

651. As used in this division, "imitation milk product" means any substance, mixture or compound other than milk or milk products, intended for human food, made in imitation of, or having the appearance or semblance of, milk or any product thereof.

SEC. 2. Section 666 of said code is amended to read:

Imitation milk products, etc.: License to handle

666. It is unlawful, except as to oleomargarine or margarine sold, dealt in or furnished by a retail dealer, to engage in the business or occupation of manufacturing, selling, dealing in or furnishing, or to have in possession for any purpose other than for consumption in his own family, or for transportation in case of boats, railroads, or other carriers, or for the purpose of storage in the case of a warehouse or cold storage company, (a) imitation milk, (b) oleomargarine or margarine, colored oleomargarine or colored margarine, renovated butter or a substitute for butter, (c) imitation cheese or substitute for cheese, (d) imitation ice cream or imitation ice milk, (e) imitation cream, or (f) any other imitation milk product not otherwise listed herein, without first having applied for and obtained a license so to do. To engage in any such business or occupation, other than that of a retail dealer in oleomargarine or margarine, a person shall first apply each year to the director for a license, and upon payment of the license fee mentioned in Section 667 the director shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation, except that no license shall be required of a retail dealer in oleomargarine or margarine.

SEC. 3. Section 667 of said code is amended to read:

Expiration

667. All licenses issued under Section 666 expire on June 30th of each year, and may be issued in periods of one year.

Fees

The fees for issuing said licenses are for each establishment annually:

(a) Manufacturers or processors within this State, one hundred dollars ($100).

(b) Wholesale dealers in, or importers or agents of importers, fifty dollars ($50).

(c) Retail dealers, five dollars ($5).

(d) The keeper of any hotel, restaurant, boardinghouse or other place where meals are served and payment is received therefor, two dollars ($2).

SEC. 4. Section 668 of said code is amended to read:

668. As used in this article

(a) Wholesale dealer means: Wholesale dealer

1. Any person who sells imitation milk, imitation cream or any imitation milk product other than imitation ice cream or imitation ice milk in quantities of one full case or more at a time or in the same transaction;

2. Any person who sells oleomargarine or margarine, renovated butter or any substitute for butter in quantities of 10 pounds or more at a time or in the same transaction;

3. Any person who sells imitation ice cream or imitation ice milk in quantities of two gallons or more at a time or in the same transaction.

(b) Retail dealer means all persons who sell any of the above mentioned products in smaller quantities than those necessary to constitute a seller a wholesale dealer. Retail dealer

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CHAPTER 1061

An act to amend Section 28001 of the Government Code, relating to payment of salaries of county officers and employees.

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 28001 of the Government Code is amended to read:

28001. On the first day of each month, or such other day not later than the tenth day of the month as the board of supervisors by ordinance may prescribe, the auditor shall draw his warrant upon the treasurer in favor of each officer, deputy, clerk, and employee for the amount of salary due him for the preceding month. Warrants

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CHAPTER 1062

An act to amend Section 1199 of the Insurance Code, relating to the regulation of the business of insurance.

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1199 of the Insurance Code is amended to read:

1199. No domestic incorporated fire, life or marine insurer shall make excess funds investments in purchases of, or loans upon, more than 30 percent of the total in par value or number Capital stock investments

of outstanding shares of the capital stock of any one corporation, except:

(a) In the purchase of the stock of another admitted domestic insurer; or

(b) With the prior authorization of the commissioner, in the purchase of stock of any other insurance corporation organized under the laws of any other state, or of the Dominion of Canada or of any province of the Dominion of Canada, which is supervised by the State or dominions or provincial insurance commissioner or similar official, and the investments of which comply in substance with the investment requirements and limitations imposed by this code upon like domestic insurers; provided, that no such domestic insurer shall have in the aggregate more than 50 percent of its capital and surplus invested in the stocks of insurance corporations organized under the laws of this State or other states or of the Dominion of Canada or of any province of the Dominion of Canada.

(c) In the purchase of stock of any corporation organized under the laws of this State for the exclusive purpose of engaging in the business of financing insurance premiums and any and all matters incidental thereto and engaging exclusively in such business and such matters.

CHAPTER 1063

An act to amend Section 5901.5 of the Elections Code, relating to absent voting.

In effect September 9, 1953

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5901.5 of the Elections Code is amended to read:

War voter's ballot

5901.5. If a voter is a war voter he may make his application for an absent voter's ballot at any time not later than five days before the election. The clerk shall mail the ballot as soon after receipt of the application therefor as it is possible to comply with the provisions of law relating to war voters' ballots and registration.

CHAPTER 1064

An act to amend Sections 70058, 70100, 70101, 70102, 70103, and 70104 of, and to amend the heading of Article 12 of Chapter 5, Title 8 of, the Government Code, relating to official reporters of the superior court.

In effect September 9, 1953

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 70058 of the Government Code is amended to read:

70058. In a county with a population of 700,000 and under 750,000, the fee required by Section 70053 shall be four dollars ($4). Fee

SEC. 2. The heading of Article 12 of Chapter 5, Title 8 of the Government Code is amended to read:

Article 12. Alternative Provisions for Official Reporter in Counties With a Population of 700,000 and Under 750,000

SEC. 3. Section 70100 of said code is amended to read:

70100. This article applies in each county with a population of 700,000 and under 750,000, as determined by the 1950 federal census. The provisions of Article 11 of this chapter which apply in counties with a population of 750,000 or over apply in each county with a population of 700,000 and under 750,000 except as is otherwise validly provided in this article or in Section 70058. Limitation

SEC. 4. Section 70101 of said code is amended to read:

70101. If a majority of the judges of the superior court of any county with a population of 700,000 and under 750,000 concur in an order that appointments may be made pursuant to this article, they may each appoint a competent phonographic reporter, specifying that the appointment is pursuant to Article 12, Chapter 5, Title 8, of this code. Phonographic reporter

SEC. 5. Section 70102 of said code is amended to read:

70102. In such event all those provisions of Article 11 applicable to a county with a population of 700,000 and under 750,000, shall be in full force in such county except those provisions of Article 11 which conflict with this article and except that the official reporters appointed pursuant to this article shall not receive the annual salary provided in Article 11 but each shall be paid thirty-five dollars ($35) a day for the days he is actually on duty under order of the court, and shall hold office during the pleasure of the judge by whom he was appointed; and except that a pro tempore official reporter for the service referred to in Article 11 may be appointed by the judge presiding in the department where such reporter will serve without the written stipulation mentioned in said article, and such pro tempore official reporter shall be paid thirty-five dollars ($35) a day for the days he is actually on duty under order of the court. Official reporters

SEC 6. Section 70103 of said code is amended to read:

70103. In such event in addition to his other duties, each reporter appointed pursuant to this article shall perform such secretarial services for the appointing judge as he requires in the performance of his official duties. Secretarial services

SEC. 7. Section 70104 of said code is amended to read:

70104. In such event in cases in which a phonographic reporter is requested and the fees provided for by Article 11 for counties with a population of 700,000 and under 750.000 have not been paid, the parties litigant shall pay to the clerk of the court, prior to the hearing of the cases, the phonographic reporters' fees prescribed by Article 9. Such fees shall be deposited Phonographic reporter's fees

by the clerk in the county treasury to the credit of the salary fund of the county.

CHAPTER 1065

An act to add Section 747 to the Fish and Game Code, relating to anchovies.

In effect September 9, 1953

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 747 is added to the Fish and Game Code, to read:

Anchovies

747. In any district or part of a district lying south of a line drawn east and west through Point Mugu, anchovies may be taken in any quantity for bait or for human consumption in a fresh state, or, by contract with the Department of Fish and Game for hatchery food, not to exceed 500 tons per year. Anchovies taken south of said line in waters not less than three nautical miles from the nearest point of land on the mainland shore and anchovies taken north of said line in any waters may be possessed, transported, sold, or otherwise dealt with in any district or part of a district south of said line.

Boat identification

The operator of any boat engaged in taking anchovies in waters south of said line shall at all times while operating such boat identify it by displaying on an exposed part of the superstructure amidships on each side and on top of the house visible from the air, the Fish and Game number of such boat in 14-inch black numerals on white background.

CHAPTER 1066

An act to amend and renumber Section 7.7 (added by Chapter 565, Statutes of 1951) of the Unemployment Insurance Act and to amend Section 650 of the Unemployment Insurance Code, relating to commission salesmen.

In effect September 9, 1953

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7.7 (added by Chapter 565, Statutes of 1951) of the Unemployment Insurance Act is amended and renumbered to read:

Employment

Sec. 7.4. The term "employment" does not include services performed as a real estate, business opportunity, mineral, oil and gas, or cemetery salesman by an individual who is licensed

in one of such classes by the State and who is remunerated solely by way of commission.

NOTE: The sections of the Unemployment Insurance Code affected by this chapter appear in their proper place in that code, Chapter 308 of the Statutes of 1953, as required by Section 9762 of the Government Code

SEC. 3. Section 2 of this act becomes operative only if the Unemployment Insurance Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said code takes effect, at which time Section 7.7 of the Unemployment Insurance Act amended and renumbered by this act is repealed. Effect Stats 1953, Ch. 308

CHAPTER 1067

An act to amend Section 13011 of the Water Code, relating to water pollution.

[Approved by Governor June 6, 1953 Filed with Secretary of State June 8, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 13011 of the Water Code is amended to read:

13011. The state board consists of nine members appointed by the Governor and the following officers of the State or their nominees: Membership

(a) The Director of Public Health;
(b) The State Engineer;
(c) The Director of Natural Resources;
(d) The Director of Agriculture;
(e) The Director of Fish and Game.

Of the nine members appointed by the Governor, at least one shall be selected from qualified persons engaged in each of the following fields:

(a) Production and supply of domestic water;
(b) Irrigated agriculture;
(c) Industrial water use;
(d) Production of industrial waste;
(e) Public sewage disposal;
(f) City government;
(g) County government.

Insofar as reasonably practicable the Governor shall appoint a member from each of the nine regions defined in Section 13040.

Of the members originally appointed to the state board, three members shall be appointed for a term of two years commencing on the effective date of this act; three members shall be appointed for a term of three years commencing on the effective date of this act; and three members shall be appointed for a term of four years commencing on the effective date of this act. Thereafter, all members shall be appointed for a term of Terms

four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

CHAPTER 1068

An act to amend Section 2 of and to add Section 35.5 to the Water Conservation Act of 1927 (Chapter 91, page 160 of the Statutes of 1927), relating to water conservation districts.

In effect September 9, 1953

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Water Conservation Act of 1927 is amended to read:

District powers

Sec. 2. Powers of District. Any water conservation district organized and established as herein provided shall have power:

Perpetual succession

A. To have perpetual succession.

Sue

B. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Seal

C. To adopt a seal and alter it at pleasure.

Property

D. To take by grant, appropriation, purchase, gift, devise, condemnation or lease, and to hold, use, enjoy and to sell, lease, or otherwise dispose of, real and personal property of every kind, within or without the district necessary or convenient to the full exercise of its powers.

Agreements with United States

E. To make and perform any agreement with the United States, under the federal reclamation laws or otherwise, to the extent that it is not inconsistent with any state law applicable to the district, or with any state, county, district of any kind or zone or subdivision of such district, public corporation, any person or any number of them, as follows:

(1) For the joint acquisition, disposition, or operation of any property of a kind which might be acquired by the district;

(2) To cooperate to obtain rights, permits or licenses to appropriate water, and to purchase, acquire, sell, lease or otherwise transfer or dispose of such rights, permits or licenses in accordance with such agreement;

(3) For the transfer of assets, for the public purpose of water conservation, to the United States, the State of California, or any county, district of any kind, or zone or subdivision of such district, or a public corporation of the State of California, having power to use such assets for purposes of water conservation and to make such transfer without consideration;

(4) To acquire assets, for the public purpose of water conservation, by transfer without consideration from the United States, the State of California, or any county, district of any kind, or zone or subdivision of such district, or a public cor-

poration of the State of California, having the power to use such assets for purposes of water conservation;

(5) To acquire, store and distribute a surface water supply for purposes of irrigation, seasonal storage, or underground replenishment, or for any or all such purposes;

(6) To provide for the construction, operation or maintenance of such works, facilities or operations within or without the district boundaries as the board deems necessary to protect the land in or property of the district, from damage by flood or overflow, to replenish underground water, or to store, supply or distribute surface waters to lands within the district, and to contribute to the cost or expense thereof out of its general fund or any special fund provided therefor.

Nothing contained in this act shall be deemed to empower a district organized hereunder to acquire a supply of water or any right to a supply of water from an underground source; provided, that this limitation shall not be applicable to any district, all or any portion of the water supply of which is secured from an underground source on October 1, 1953.

Surveys, conservation, etc.

F. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by acquiring dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, and constructing dams and reservoirs for storage of water, and by spreading and sinking water; to build, construct or acquire the necessary dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve water and water rights, for any useful purpose; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom, which may be used, or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district.

Eminent domain

G. To have and exercise the right of eminent domain; in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for spreading basins, sinking wells or sinking basins, or to operate or to make use of same, or otherwise necessary to accomplish the purposes of this act.

Taxes

H. To cause taxes to be levied, as herein provided, for the purpose of paying any obligations of the district and to accomplish the purposes of this act in the manner herein provided.

Contracts, etc

I. To make contracts, to employ labor and to do all acts necessary for the full exercise of the powers herein granted; provided, that said district shall not have power to commence, intervene in, compromise, maintain or defend actions, or pay costs of the same, in controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district.

Tolls

J. To fix and collect tolls or charges for water supplied for surface irrigation.

Submitting contracts for validation

K. To submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof and the authority of the district to make the contract. The validation proceedings shall be had as in the ordinary case of the judicial determination of the validity of irrigation district bonds, and with like effect.

Construction

L. To provide for, construct, maintain and operate such works and facilities, within or without its boundaries, as the board may deem necessary to protect the land in, or the property of, the district, from damage by flood or overflow, or to store, supply or distribute surface waters to lands within the district, and to pay the cost and expense thereof out of its general fund or any special fund provided therefor.

Nothing contained in this act shall be deemed to empower a district organized hereunder to acquire a supply of water or any right to a supply of water from an underground source; provided, that this limitation shall not be applicable to any district, all or any portion of the water supply of which is secured from an underground source on October 1, 1953.

Rules for sale of water, etc

M. To establish rules and regulations regarding the sale of water, its distribution, and the collection of tolls and charges therefor, and to therein provide for payment in advance of delivery and for refusal of water delivery to persons against whom there are delinquent water tolls or charges. Nothing herein shall be construed as requiring the district to deliver water to any person or lands within the district, ratably or otherwise.

SEC. 2. Section 35.5 is added to said act, to read:

Cooperation Contracts

Sec. 35.5. Cooperation. A. Contracts pursuant to the powers and for the purposes set forth in Section 2, subdivision E of this act, shall be made as in this section provided, and not otherwise, except that pursuant to the general powers of the district the board of directors by a majority vote may enter into any contracts which do not require the levy of the special assessment provided for in this section, and the provisions of this section shall not apply to any such contracts.

Special election

B. The board of directors must call a special election and submit to the qualified voters of the district the question of whether or not a proposal to enter into any contract pursuant to Section 2, subsection E of this act requiring the levy of spe-

cial assessments on lands within the district, in addition to any other district tax or assessment, for the purpose of raising money required under any such contract, shall be authorized. Notice of such election shall be given, and the same shall be held, and the result thereof determined and declared, in conformity with the provisions of this act governing the biennial elections of directors, insofar as applicable. The notice must specify the maximum amount of money required under the proposed contract and state, generally, the nature and terms of the proposed contract. At such election the ballots shall contain the words "Contract—Yes" and "Contract—No." If the votes cast as "Contract—Yes" constitute a majority of the total number of votes eligible to be cast at such election, then, but not otherwise, the board shall proceed with such other and further steps as may be required to enter into, validate, perform and carry out said contract, including the levy and collection of special assessments for the purpose, as provided in subdivision C of this Section 35.5 of this act.

Tolls, etc., insufficient

C. Notwithstanding any provision of this act or other law, when any district has contracted pursuant to this act or any other law for the purposes set forth in this act, if the revenue of the district from water tolls or charges are, or in the judgment of the board are likely to be, inadequate to pay all charges payable under the contract, then any tax or special assessment levied for the payment of any such contract charges shall be levied only upon land within the district, exclusive of improvements and personal property. When collected, the moneys shall be paid into the district treasury for the purpose set forth in the notice at such special election. If the money raised by any such assessment shall exceed the amount necessary to be expended under the contract, the excess shall be held in a special fund of the district and shall be used for fulfilling the obligations of the district under such contract in the next succeeding year. Except as in this Section 35.5 provided, such special tax or assessment shall be assessed, levied, collected, and disbursed in conformity with the provisions of this act relating to the annual general tax as set forth in Sections 30 to 34, inclusive, of this act.

Petitions

D. Any person having an interest in land within the district claiming that such land will not be benefited under any contract for which a special assessment is required under the terms of this Section 35 5 may file with the secretary a verified petition alleging all of the following:

Contents

(1) That his land, or a described portion of it, is not and will not be benefited by the operations of the district in a manner that would justify his taxation at the special contract rate of taxation.

(2) That said land is entitled to a reduced rate of taxation.

Such petition shall request that the board determine what percentage of the special contract rate of taxation of the district

should be used in levying such special contract tax on the land described in the petition. No such petition may be filed or considered with reference to the annual general assessment of the district provided for in Section 30 of this act.

Cost

The petitioner shall pay all cost of publication of the notice and other expenses of the hearing, and such hearing shall be reported and transcribed by a phonographic reporter, and such transcript shall be filed with the board. If more than one petition shall be heard at the same time or upon the same notice, the cost and expenses of such hearing shall be equitably divided among all petitioners in such manner as may be determined by the board.

Hearing

The board shall set a time and place for the hearing of the petition, or of all the petitions if more than one has been filed, and shall give notice of such hearing by publication once each week for two successive weeks in a newspaper published in the county where the office of the district is situated, the first of which publications shall be at least 14 days before the date of such hearing. Such notice shall state all of the following:

Notice Contents

(1) Petitions have been presented to the board praying for a determination that certain land, which need not be described in the notice, is entitled to a reduced rate of taxation.

(2) The names of the petitioners.

(3) The time and place set for the hearing.

The board shall meet at the time and place set for the hearing and proceed in the order it deems proper to hear the petitions, and shall hear all competent and relevant evidence offered in support of any petition or in opposition to it, and may adjourn the hearing from time to time.

After the conclusion of the hearing, if the board finds that any of the land described in any petition is not and will not be benefited by the operations of the district in a manner that would justify its taxation at the special contract rate of taxation, the board shall reduce the rate of taxation on the land in a resolution entered in full upon its minutes.

Resolution

The resolution shall:

(1) Describe the land entitled to a reduced rate of taxation, or the respective parcels of it if separate parcels are to be assessed.

(2) Fix the percentage of the special contract rate of taxation which shall be applied in levying such taxes on the land described, or on each parcel of it if various parcels are found to be entitled to different reduced rates, in order that such taxes to be levied on such land will be proportionate with the benefits which it receives or will receive from the contract for which such special assessments are levied; and if any such parcel receives and will receive no such benefits, fix such percentage at zero.

Certified copy

A certified copy of the resolution determining that any land is entitled to a reduced rate of taxation shall be delivered to the assessor, and thereafter until notified of a change in the determination, he shall enter the land described in the resolu-

tion separately on the assessment roll and so designate it and the percentage of the special contract rate of taxation to which it is entitled so that it may readily be distinguished from other land not entitled to a reduced rate.

After a copy of the resolution is delivered to the assessor, the officer charged with the duty of entering on the assessment roll the amount of district taxes on the land shall in making the entry observe and conform to the resolution.

If the board determines that any of the land described in any petition is not entitled to any reduced rate of taxation, such determination shall be entered in full upon its minutes.

Board's finding

The determination of the board granting or denying a reduced rate of taxation as to any land after a hearing pursuant to this article shall not be changed by the board unless the board, on petition by a party affected, consents to another hearing, or on its own motion causes notice to be served on the owner of the land to show cause why the determination should not be changed, in either of which cases another hearing shall be advertised and held as provided in this subsection E; provided, however, that any person aggrieved by the determination of the board granting or denying a reduced rate of taxation may commence, at any time within 30 days after the entry of such determination on the minutes of the board, a proceeding in the superior court of the county in which the principal office of the district is located to have such determination corrected, modified or annulled.

CHAPTER 1069

An act to amend Sections 9084, 9084.5, 9087, and 9095 of the Insurance Code, relating to fraternal fire insurers.

[Approved by Governor June 6, 1953. Filed with Secretary of State June 8, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 9084 of the Insurance Code is amended to read:

Fire risk amounts Limitations

9084. Such an association may insure the property of its members against loss or damage by fire for an amount not exceeding eight thousand dollars ($8,000) on any one risk, subject to the following conditions as to amount:

(a) A risk in excess of three thousand five hundred dollars ($3,500) shall not be binding as to such excess until risks to the amount of two hundred thousand dollars ($200,000) have been written and all premiums paid thereon.

(b) A risk of more than one thousand five hundred dollars ($1,500) shall not be binding as to such excess until risks to the amount of one hundred thousand dollars ($100,000) have been written and all premiums paid thereon.

(c) A risk regardless of amount, shall not be binding until risks to the amount of seventy-five thousand dollars ($75,000) have been written and all premiums paid thereon.

SEC. 2. Section 9084.5 of said code is amended to read:

Reinsuring

9084.5. Such association shall not write insurance in excess of eight thousand dollars ($8,000) on any one risk nor in excess of thirty thousand dollars ($30,000) in any one city block within an incorporated city without immediately reinsuring all the excess amount An association may write insurance for an amount not exceeding thirty thousand dollars ($30,000) on any one risk, if the excess over eight thousand dollars ($8,000) is reinsured as provided in this section. Such associations may reinsure risks with admitted insurers, but may not accept reinsurance.

SEC. 3. Section 9087 of said code is amended to read:

Territorial limitations

9087. Such association shall not issue policies of insurance on any property within the limits of a city which has a population of 7,500 or more. No property within the corporate limits of any city or town shall be insured except dwellings, the contents thereof, and any buildings appurtenant thereto.

SEC. 4. Section 9095 of said code is amended to read:

Extended coverage

9095. Such association may, if it has issued an insurance policy against fire, endorse such policy to extend the coverage thereof to include loss or damage caused by windstorm, cyclone, tornado and hail, explosion, riot, riot attending a strike, aircraft, vehicles and smoke, and to include waiver of the fallen building clause. An association may also insure against (a) water damage from plumbing and heating systems, (b) rupture or bursting of steam or hot water heating system, (c) vandalism or malicious mischief, (d) vehicles owned or operated by the insured or by any tenant of the described premises, (e) glass breakage, (f) ice, snow and freezing, (g) fall of trees, and (h) collapse.

Explosion

As used in this section "explosion" does not include explosions (a) of any boiler, heater or other fired pressure vessel, caused by pressure of contents, (b) of any unfired pressure vessel or of any piping caused by pressure of contents or vacuum, (c) of any engine, turbine, compressor, pump or wheel, (d) of any electrical apparatus, or (e) of any other machine having moving or rotating parts. This restricted definition of "explosion" does not exclude loss or damage by fire only where fire ensues.

Hot water heaters

As used in this paragraph, the terms "boiler," "heater," and "pressure vessel," do not include hot water heaters used solely to provide hot water for delivery to faucets for domestic purposes and having a storage capacity of not more than 50 gallons.

CHAPTER 1070

An act to amend Sections 7436, 7437, 7438, and 7442 of the Business and Professions Code, relating to the practice of cosmetology.

[Approved by Governor June 8, 1953. Filed with Secretary of State June 9, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7436 of the Business and Professions Code is amended to read:

Expiration and renewal of licenses

7436. Licenses of hairdressers and cosmeticians or cosmetologists, instructors, electrologists, manicurists, and permanent wavers expire on September 30th of each year. An application for renewal of a license shall be filed with the board during the months of August or September, accompanied by the renewal fee prescribed by this chapter. Thereupon the board shall renew the license for the ensuing year.

SEC. 2. Section 7437 of said code is amended to read:

Reinstatement

7437. A license which has expired for failure of the licensee to renew within the time fixed by Section 7436 may be reinstated within five years of the date of expiration upon application therefor and upon payment of the reinstatement fee provided by this chapter. After five years from the date of its expiration, a license may be reinstated only upon the filing of such application as the board may prescribe, furnishing of such proof of good moral character and temperate habits as may be necessary, payment of the examination fee required by this chapter, and passing of the examination required by Section 7371.

SEC. 3. Section 7438 of said code is amended to read:

Certificates of registration Expiration and renewal

7438. Certificates of registration for cosmetological establishments and schools of cosmetology expire on September 30th of each year. An application for renewal of a certificate shall be filed with the board during the months of August or September, accompanied by the annual registration fee prescribed by this chapter. Thereupon the board shall renew the certificate for the ensuing year.

Expired certificate

A certificate which has expired for failure of the registrant to renew within the time fixed by this section may for a period of one year thereafter be renewed upon the filing of an application in such form as the board may require and upon payment of the annual registration fee and the delinquency fee provided by this chapter. After one year from the date of its expiration, a certificate may not be renewed, and the establishment or school may again become entitled to a certificate only upon compliance with all of the provisions of this chapter relating to the original issuance of a certificate.

SEC. 4. Section 7442 of said code is amended to read:

Fees

7442. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for examination as a hairdresser and cosmetician or cosmetologist is ten dollars ($10).

(b) The fee for examination as an electrologist is ten dollars ($10).

(c) The fee for examination as a manicurist is five dollars ($5).

(d) The fee for registration and licensing a hairdresser and cosmetician or cosmetologist registered in another state is ten dollars ($10).

(e) The fee for registration and licensing an electrologist registered in another state is ten dollars ($10).

(f) The fee for registration and licensing a manicurist registered in another state is five dollars ($5).

(g) The application fee for a junior operator is two dollars ($2).

(h) The application fee for junior electrologist is two dollars ($2).

(i) The issuance fee for a duplicate license is one dollar ($1).

(j) The annual renewal fee for an individual license is two dollars ($2).

(k) The delinquency fee is one dollar ($1).

(*l*) The annual registration fee for a cosmetological establishment is three dollars ($3).

(m) The annual registration fee for a school of cosmetology is one hundred twenty-five dollars ($125).

(n) The fee for the instructors' examination is fifteen dollars ($15).

(o) The fee for an electrology instructor's examination is fifteen ($15).

(p) The fee for examination as a permanent waver is five dollars ($5).

(q) The reinstatement fee is four dollars ($4).

CHAPTER 1071

An act to add Sections 14075.1, 14075.2, and 14075.3 to the Health and Safety Code, relating to fire protection districts in unincorporated areas.

In effect September 9, 1953

[Approved by Governor June 8, 1953. Filed with Secretary of State June 9, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 14075.1 is added to the Health and Safety Code, to read:

Fire company officers

14075.1. The district board is authorized, but not required, to designate and appoint from the employees of its fire department and to define their duties, fire company officers, in the following order of superiority, namely, a fire chief, and assistant fire chief, a captain, a marshal, a lieutenant.

SEC. 2. Section 14075.2 is added to said code, to read:

14075.2. (a) The district board is authorized, but is not required, to provide for a pay schedule and to compensate the employees of its fire department for all emergency calls, and details. Pay schedule

(b) The district board is authorized, but not required, to provide for and pay to its fire department officers for the services set forth above, amounts in addition to the base pay above mentioned. Additional compensation

SEC. 3. Section 14075.3 is added to said code, to read:

14075.3. The district board is authorized, but not required, to enter into group hospital service contracts with hospitals and hospital districts for hospital service for the employees of its fire department relating to injuries suffered by such employees in the performance of duty; and for such purpose the fire district is construed to be a district within the meaning and effect of Section 11512.2 of the Insurance Code and other laws related thereto. Group hospital service contracts

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CHAPTER 1072

An act to amend Section 28119 of the Government Code, relating to compensation for public service in counties of the nineteenth class.

[Approved by Governor June 8, 1953. Filed with Secretary of State June 9, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 28119 of the Government Code is amended to read:

28119. In a county of the nineteenth class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums: Solano County officers Salaries.

(a) The auditor, seven thousand two hundred dollars ($7,200) a year. Auditor

(b) The district attorney, eight thousand dollars ($8,000) a year. District attorney

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year for all services rendered including mileage. If required to go on business to any point outside of the county, he shall be allowed actual expenses. Supervisor

(d) Trial jurors in the superior court, five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of ten cents ($0.10) for each mile traveled one way each day. Trial juror

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of ten cents ($0 10) for each mile traveled one way each day. Grand juror

The compensation provided by this section shall be payable to incumbent officers.

Incumbents

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 1073

An act to amend Section 28114 of the Government Code, relating to the compensation for public service.

In effect September 9, 1953

[Approved by Governor June 8, 1953. Filed with Secretary of State June 9, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 28114 of the Government Code is amended to read:

Riverside County officers: Salaries

28114. In a county of the fourteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

Auditor

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

District attorney

(b) The district attorney, ten thousand dollars ($10,000) a year, and actual traveling expenses while away from his office on county business. He shall hold no other county office.

Supervisor

(c) Each supervisor, six thousand dollars ($6,000) a year and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

The provisions of this section relating to the annual compensation of county officers shall apply to incumbents.

Grand juror

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties. No mileage shall be allowed for traveling outside of the county.

Trial juror

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, three dollars ($3), and ten cents ($0.10) for each mile from their residence to and from the county seat, to be allowed only for each day the jurors are required to and do attend.